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LAW OFFICE OF JOHN R. BAGILEO

GEORGETOWN PLACE

SUITE 300

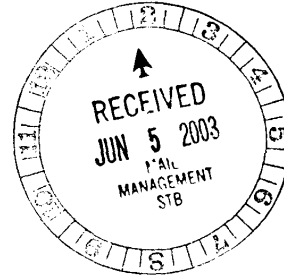
1101 30TH STREET, N.W.
WASHINGTON, D.C. 20007

JOHN R. BAGILEO
DIRECT: (202) 298-4760

TELEPHONE: (202) 944-3734
FACSIMILE: (202) 944-8611
E-MAIL: jrb@bagileolaw.com

June 5, 2003

Vernon A. Williams
Secretary
Office of the Secretary
Case Control Unit
Surface Transportation Board
1925 K Street, NW #700
Washington, DC 20423



Re: Section 5a Application No. 61 (Sub No. 6)
National Classification Committee – Agreement

Dear Secretary Williams:

Enclosed please find the original and ten copies of the National Classification Committee's Further Modifications in Response to Surface Transportation Board's Decision served on March 27, 2003 in the above-proceeding. A copy has been served on this date on all known parties of record.

An additional copy is included which it is requested be date-stamped, or receipt otherwise acknowledged, and returned to me. A self-addressed, stamped envelope is enclosed for your convenience.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "John R. Bagileo".

John R. Bagileo
Counsel for National Classification
Committee

Enclosures

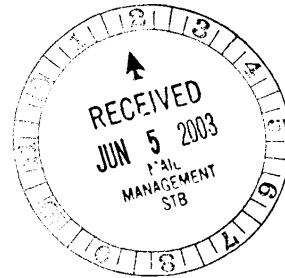
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207974

Before The
Surface Transportation Board



Section 5a Application No. 61 (Sub- No. 6)
National Classification Committee—Agreement

Further Modifications In Response To
Surface Transportation Board's
Decision Served On March 27, 2003

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John R. Bagileo
Law Office of John R. Bagileo
1101 30th Street, NW #300
Washington, DC 20007
(202) 944-3734
(202) 944-8611 (Fax)

William W. Pugh
Executive Director
National Motor Freight Traffic
Association, Inc.
2200 Mill Road
Alexandria, VA 22314
(703) 838-1825

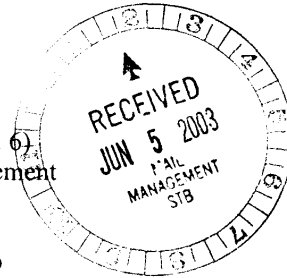
Due and Dated: June 5, 2003

Counsel for National Motor Freight
Traffic Association, Inc. and the
National Classification Committee

Before The
Surface Transportation Board

Section 5a Application No. 61 (Sub- No. 6)
National Classification Committee—Agreement

Further Modifications In Response To
Surface Transportation Board's
Decision Served On March 27, 2003



The National Motor Freight Traffic Association, Inc. and the National Classification Committee (NCC), through counsel, respectfully submit the following additional modifications to the NCC's revised Section 5a Agreement initially filed on March 20, 2002, in compliance with the changes identified in the Surface Transportation Board's (STB) Decision served on March 27, 2003. For ease of reference, the added or modified provisions will be identified in the same order discussed in the STB's Decision. The further revised Agreement in Attachment A identifies any language excised by striking through certain words, and any modified or added language is shaded. Attachment B shows the Agreement as revised with all changes incorporated.

I.
Further Revisions To NCC's Section 5a Agreement

A. Public Notice and Public Docket Files

1. Article IV, Rule 4(a).

The STB concluded in its Decision served March 27, 2003 that there would be no need for protective orders because "the Shipper Groups have not persuaded us that source identification is required." (Footnote omitted) (STB Decision, p. 4) Accordingly, those

provisions initially proposed in Rule 4(a) regarding such protective orders are stricken.

Thus, Rule 4. Public Docket Files, (a) now reads as follows:

Copies of all reports, analyses, studies, work papers, supporting raw data and other information in the Committee's possession relating to a docketed proposal, along with the full text of the proposed change, shall be made available in a public file. The public docket file will not name the entity that provided the raw data, nor will it include information that could lead to the name of the entity that provided the raw data. The source of the raw data will be identified as "shipper/receiver," "carrier," or the like.

2. Article IV, Rule 4(b).

The STB concluded that the NCC's recovery of its costs in providing information supporting a proposal to a person should be limited to its actual costs for copying and transmittal. The agency suggested that the clause "not to exceed the Committee's cost of copying and transmittal" be added to the agreement. (STB Decision p. 5) Accordingly, Rule 4(b), as pertinent, is changed to read:

Any interested person may obtain the Committee's public file on any docketed proposal by submitting a request in writing by mail, by e-mail or by facsimile to the Committee ... A reasonable charge, not to exceed the Committee's cost for copying and transmittal, will be assessed for these services.

3. Article IV, Rule 4(c).

The STB noted that the NCC had agreed to post every docketed proposal file on the NMFTA's website. However, the NCC proposed, and the agency agreed, that, after the initial submission, material submitted would be posted within two (2) business days after the period for receiving that information or data closes. (STB Decision, pp. 5-6) In response to that direction, Rule 4(c), as pertinent, is changed to read:

The Committee will also post the public docket files on the National Motor Freight Traffic Association's website, organized by docket and subject numbers, each file including an index of documents. Material received after the initial posting of a public docket file will be posted on the website within two (2) business days after the deadline for receiving the material.

B. Arbitration Process

1. Article V, Arbitration, Rule 2. Selection of Arbitrator (a)

The STB adopted a shipper proposal that a master list of neutral arbitrators be developed in advance by the NCC and published on the NMFTA's website. The shipper interests suggested a list of 50 potential arbitrators developed with the assistance of the American Arbitration Association or some other independent arbitration association. The STB did not identify the number of arbitrators that would be required on the advance list. (STB Decision, pp. 6-7)

Although the STB suggested that the Shipper Groups' proposal for an advance master list appeared "feasible and not unduly complex" (STB Decision, p. 7), that has not been the case. Through a number of telephone contacts with the American Arbitration Association personnel, and a meeting with the American Arbitration Association (AAA) in Washington, DC, it became apparent that elements of the Shipper Groups' proposal are not feasible. Normally, the AAA will supply a list of ten pre-qualified arbitrators in most proceedings, and up to 15 pre-qualified arbitrators in complex cases. However, in order to pre-release a list of qualified arbitrators, the AAA would require a contractual relationship with the NCC. Given that a substantial number of cases could not be assured annually, it did not appear that there was a viable opportunity to enter into the necessary contractual arrangement. An alternative suggested by the AAA was that the parties request a Submission for Arbitration, which is a process available to any individual

seeking arbitration services. However, that process does not involve the pre-identification and qualification of a specialized panel of arbitrators, or customized procedures for handling the arbitration.

The NCC has had no success in contacting Interstate Dispute Resolutions, Boston, MA, the organization the NCC worked extensively with in developing its initial arbitration process. Nevertheless, another independent arbitration association, BostonSolv, LLP, Boston, MA, can implement the contemplated arbitration procedures, but does not have the extensive list of qualified, neutral arbitrators which may be contemplated by the STB. It can initially offer a list of ten qualified neutral arbitrators and increase that list with time.

In order to move the program forward, the NCC proposes that an advance master list of not less than ten arbitrators would be posted on the website. That list would be developed from the arbitrators formerly identified by BostonSolv. It is believed that in time substantially more than ten qualified, neutral arbitrators can be identified. In view of the foregoing, and in a good faith effort to comply with the STB's Decision, the following revisions to Article V, Rule 2, Selection of Arbitrator (a), are proposed:

The Secretary of the Committee shall post on the National Motor Freight Traffic Association's website a list of not less than ten (10) neutral arbitrators selected by an independent arbitration association. If a person does not have Internet capability, upon notice by that party that it wishes to seek arbitration, the Secretary, within two (2) business days after that notice, will provide the list of not less than ten (10) neutral arbitrators by express mail, e-mail or facsimile. The claimant(s) and the Secretary of the Committee shall confer by telephone, e-mail or facsimile within three (3) business days after the list of neutral arbitrators has been received by the claimant(s) or was available to the claimant(s) on the National Motor Freight Traffic Association's website to mutually agree to a neutral arbitrator. If the claimant(s) and the Secretary select different neutral arbitrators, and cannot agree on a single neutral arbitrator, they will so notify the arbitration association, and the two selected arbitrators will

choose the arbitrator to handle the matter from the remaining arbitrators on the list who were not selected. The arbitration association shall be notified by telephone, e-mail or facsimile of the selection of the neutral arbitrator, and the arbitration association shall determine whether the selected neutral arbitrator has a conflict of interest. The claimant(s) and the Secretary of the Committee shall be notified promptly of the results of that inquiry. If the neutral arbitrator selected has a conflict of interest, the two originally selected arbitrators will choose another neutral arbitrator until no conflict of interest exists.

2. Article 5. Arbitration, Rule 2. Selection of Arbitrator (b)

The STB adopted the suggestion by the Shipper Groups that a method exist for bypassing the initial master list of neutral arbitrators by enabling the parties to select, within seven (7) business days, anyone to act as the arbitrator upon whom all the parties agree. (STB Decision, p. 7) Accordingly, new subsection (b) has been added to Article V, Rule 2. Selection of Arbitrator, which reads as follows:

The list of neutral arbitrators will be utilized unless, within seven (7) business days after notice of arbitration is provided by a claimant, the parties mutually agree to utilize a neutral arbitrator not identified on the list.

3. Article V, Arbitration, Rule 5. Parties' Statements of Position

Initially, in Rule 5, the NCC proposed that within seven (7) business days after the selection of a neutral arbitrator, the claimant(s) may submit its position statement, and that within seven (7) business days thereafter the NCC be allowed to file a reply to an opening statement submitted in the arbitration process. The agency denied the request of the Shipper Groups that the time for filing the opening statement be increased from seven (7) to ten (10) business days after the selection of the arbitrator. The STB concluded that additional time was not needed to file an opening statement because the parties would have considerable time to prepare those statements inasmuch as the notice of arbitration

is not due until thirty (30) days from the NCC's classification action, and additional time will elapse until the arbitrator is selected. The STB, however, did adopt the Shipper Groups' proposal to increase the deadline for the filing of a reply statement from seven (7) to ten (10) days. (STB Decision, pp. 8-9)

The STB did not require, as suggested by the Shipper Groups, that parties be permitted to file rebuttal statements. Rather, the agency determined that the arbitrators, at their discretion, should determine whether rebuttal is needed. Recognizing that rebuttal may not be necessary in every arbitration, the STB believed that there might be occasions where rebuttal statements, without creating undue delay, would significantly enhance the record or allow response to improperly submitted material. (STB Decision, p. 9)

In response to the foregoing STB directions, Article V, Rule 5 is amended as follows:

Within seven (7) business days after the notice of the selection of a neutral arbitrator, the claimant(s) may submit to the arbitrator a statement of position as to why the initial classification action by the Committee or a Classification Panel is not in conformity with established classification standards. A copy of the statement shall be provided by express mail, e-mail or facsimile to the Secretary of the Committee. Within ten (10) business days after the receipt of claimant's(s') statement(s) the Committee may submit a response by express mail, e-mail or facsimile to the arbitrator, and send a copy by express mail, e-mail or facsimile to the claimant(s). At the arbitrator's discretion, rebuttal statement(s) may be submitted by the claimant(s) by express mail, e-mail or facsimile within five (5) business days after receipt of the Committee's reply. A copy of the rebuttal(s) must be served contemporaneously by express mail, e-mail or facsimile on the Secretary of the Committee.

4. Article V, Rule 6. Decision of Arbitrator

The STB required clarification on the matters to be considered in the arbitrator's decision-making process. In addition to the public record, the parties' statements

submitted to the arbitrator on appeal are to be given effect, but the agency cautioned that such statements should not introduce inappropriate issues and evidence. (STB Decision, pp. 10-11)

The NCC originally proposed that the arbitrator's decision would be issued within 45 days after the receipt of the public record. The STB determined, however, that it would be reasonable to reduce the deadline for the arbitrator's decision from 45 to 30 days, but that the deadline for issuance of a decision would not begin to run until the parties' statements of position are received for consideration by the arbitrator along with the public record. (STB Decision, p. 11)

Section V. Rule 6 accordingly has been amended to read:

Within thirty (30) days after the receipt of the parties' statements of position, the arbitrator shall issue a written decision determining whether or not to affirm the challenged classification action. The arbitrator's decision will consider statements on appeal submitted by the parties, but such statements must not include inappropriate evidence and issues and must not seek or constitute a de novo review. The arbitrator's conclusions shall be governed by the established regulatory and legal standards and precedent for evaluating the reasonableness of classification provisions. The reasonableness of the class(es) proposed for any commodity shall be determined exclusively by comparison of that commodity's four recognized transportation characteristics (density, stowability, handling and liability, as defined by the Interstate Commerce Commission in Ex Parte No. MC-98 (Sub-No. 1), Investigation Into Motor Carrier Classification, 367 I.C.C. 243 (1983) and related cases) with the transportation characteristics of other commodities that are assigned a comparable class(es). The decision will set forth the essential reasoning that was relied upon in reaching these conclusions. The arbitrator's decision shall be final, subject only to review through the filing of a complaint with the Surface Transportation Board. The Committee may publish any classification action found reasonable by the arbitrator to become effective not less than fifteen (15) days after the arbitrator publishes his or her decision.

C. Conduct of Business

1. Article III, Section 2. Powers and Duties of Classification Panels
(b)

Because of the new procedures prescribed by the STB, the NCC believed that continuation of the deferral procedure presently provided in Article III, Section 2. (b), should be deleted. Not agreeing with certain shipper interests that the continuation of a deferral should be mandatory, the agency concluded that the NCC should not be required, but rather be permitted, to defer actions. The NCC was directed to reinstate the provision allowing, but not mandating, deferral. (STB Decision, p 13) Therefore, Article III, Section 2. (b), is amended to read as follows:

In acting on a docketed proposal, a Classification Panel may: (1) approve the proposal as docketed; (2) disapprove the proposal as docketed; (3) modify and approve the proposal; or (4) at its discretion defer disposition to the next Classification Panel.

2. Article V, Arbitration, Rule 9. Alternative to Arbitration

A shipper representative maintained that the current NCC procedures allowing appeals work well and should be retained, and requested that the option of filing petitions for suspension with the STB remain available. The NCC did not object to those proposals. In response, the STB agreed to adopt those options as an alternative to the arbitration process, but required that the NCC require that all parties dissatisfied with the classification decision agree to that optional procedure. (STB Decision, p 12) To implement that alternative, the NCC would create new Article V, Rule 9, and amend Article III, Section 2 (c) and Article IV, Rule 6(a), to read as follows:

Article V, Rule 9:

If all of the parties objecting to an initial classification decision by the Committee or a Classification Panel agree to seek reconsideration of the classification action by the full Committee, that request must be made within thirty (30) days of the initial classification decision to the Secretary of the Committee by mail, e-mail or facsimile. A majority of the Committee present shall decide whether the reconsidered classification decision shall be approved or disapproved. The reconsideration process may require that final disposition of the classification proposal extend beyond the 120th day after docketing.¹ After reconsideration, dissatisfied persons may file petitions for suspension of the reconsidered classification proposal with the Surface Transportation Board.

3. Article III, Section 2. Powers and Duties of Classification Panels
(c)

The disposition of a docketed proposal by a Classification Panel shall be the final disposition of the Committee, unless reconsideration by the full Committee, rather than arbitration, is requested of a Classification Panel decision and is agreed to by all parties to the classification proposal.

4. Article IV, Rule 6. Disposition of Proposals, (a)

Disposition of docketed proposals shall be made by the 120th day after docketing, unless reconsideration by the full Committee is requested of a Committee or Classification Panel decision by all parties to that classification proposal.

5. Article III, Section 3 Conduct of Business by the Committee or
Classification Panel (f)

Regarding the NCC's original proposal, the STB concluded that the term "public record" upon which a Committee or Classification Panel decision would be based should be clarified to include all material in the public docket file established for the proceeding.

¹ Article IV, Rule 6, Disposition of Proposals continues the requirement that the disposition of docketed proposals shall be made by the 120th day after docketing, and the STB approved the continuation of that deadline. (STB Decision, p 13) Reconsideration may require that the 120-day timeframe be somewhat extended, and may affect the finality of Classification Panel actions, and revisions to that effect are made in the appropriate provisions of the NCC Agreement.

(STB Decision, pp. 14-15) Further, regarding NCC policies and guidelines to be used in the decisional process, the STB concluded that such policies and guidelines should be subjected to the procedural safeguards established in the STB's 2001 Decision, but that the NCC may cite policies or guidelines established in the past without undertaking separate, rulemaking-type proceedings to validate them. Moreover, the STB stated that the NCC could cite policies or guidelines so long as they are introduced into the public file and other parties have an adequate opportunity to comment on their relevance and accuracy. (STB Decision, p. 15) In response to those directions, Article III, Section 3(f) is revised to read as follows:

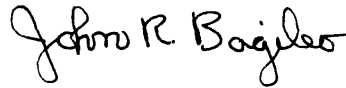
In considering a docketed proposal, the Committee or Classification Panel will be guided exclusively by:

- (1) The public record consisting of all material in the public docket file that has been established by the process set forth in this Agreement;
- (2) The applicable regulatory and legal standards and precedents establishing the reasonableness of classification provisions;
- (3) Principles of procedural fairness as set forth in this Agreement and the arguments of the parties based on the public file; and
- (4) The Committee's policies and guidelines of record contained in the public file.

Conclusion

Based on the foregoing revisions it is requested that the STB grant final approval of the NCC's amended Agreement.

Respectfully submitted,



John R. Bagileo
Law Office of John R. Bagileo
1101 30th Street, NW #300
Washington, DC 20007
(202) 944-3734
(202) 944-8611 (Fax)

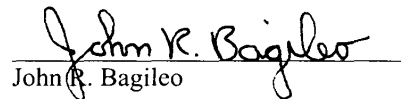
William W. Pugh
Executive Director
National Motor Freight Traffic Association,
Inc.
2200 Mill Road
Alexandria, VA 22314
(703) 838-1825

Due and Dated: June 5, 2003

Counsel for National Motor Freight Traffic
Association, Inc. and the National
Classification Committee

Certificate of Service

I hereby certify that I have this 5th day of June 2003, served a true and correct copy of the foregoing document, including the attachments thereto upon all parties of record in this proceeding by first class mail, properly addressed and with postage prepaid.


John R. Bagileo

A

Attachment A

AGREEMENT

As Amended

_____, 200_

RELATING TO

PROCEDURES FOR

COLLECTIVELY ESTABLISHING AND

MAINTAINING THE PROVISIONS OF THE

NATIONAL MOTOR FREIGHT CLASSIFICATION

By The

NATIONAL CLASSIFICATION COMMITTEE

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

PREAMBLE

The undersigned motor carrier in consideration of the covenants of the other motor carriers of property signatory to this Agreement agrees that it will participate in the collective initiation, consideration and change of classifications and rules governing the transportation of property in interstate or foreign commerce in accordance with the terms of this Agreement.

The undersigned carrier and every other carrier party to this Agreement may exercise the free and unrestrained right to take independent action at any time with respect to any of the matters contained herein.

The undersigned carrier appoints the Secretary of the National Classification Committee as its agent and attorney-in-fact to sign, file and pursue in its name before the United States Surface Transportation Board (Surface Transportation Board) such application(s) as may be required for the authorization or reauthorization of this Agreement, and to take any other appropriate action in connection therewith.

ARTICLE I - PURPOSE AND SCOPE

This Agreement pertains to the collective initiation, consideration and handling of motor freight classification matters and for the organization, powers and procedures of a committee of up to one hundred representatives of the motor carriers party to this Agreement to be known as the National Classification Committee (hereinafter called the Committee).

ARTICLE II - ORGANIZATION OF THE NATIONAL CLASSIFICATION COMMITTEE

Section 1. National Classification Committee

The Committee shall consist of up to one hundred members, to be elected from the fifty states, the District of Columbia, Canada and Mexico (hereinafter called jurisdiction(s)). The number of members to be elected from each jurisdiction shall be determined by the Secretary of the Committee, in accordance with the classification participation fees received from each of the jurisdictions during the previous fiscal year.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE II - ORGANIZATION OF THE NATIONAL CLASSIFICATION COMMITTEE

Section 2. Voting Rights

Each party to this Agreement shall be entitled to one vote for each Committee member to be elected from the jurisdiction in which its principal place of business is located. A carrier entitled to vote for more than one nominee may, if it so elects, cast all of the votes to which it is entitled in favor of one nominee, or it may cast one or more votes for each of one or more nominees.

Section 3. Nominations

(a) The Committee shall be reconstituted on July 1 of each year. Any officer, owner or full-time employee of a motor carrier party to this Agreement shall be eligible for membership on the Committee, except that no member of the Committee who is serving a consecutive term and who has not attended one of the three regular meetings next preceding the issuing of ballots as provided in Section 4 hereof, shall be eligible for re-election.

(b) Any party to the Agreement may nominate one qualified person for election from the jurisdiction in which such nominator is domiciled. The Secretary of the Committee shall request nominations from all parties not later than April 1 of each year. Nominations must be made in writing to the Secretary not later than May 1.

Section 4. Elections

By June 1 of each year, the Secretary of the Committee shall issue by mail or electronic means to each party to this Agreement a ballot listing all nominees in its jurisdiction. Each party desiring to vote shall return its ballot to the Secretary of the Committee not later than June 25. The Secretary of the Committee and two witnesses shall count the votes and certify the results to the Chairman of the Committee. In the event of a tie vote, the Secretary shall take a second ballot in the jurisdiction in which the tie occurs, and balloting shall continue until the tie is broken.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE II - ORGANIZATION OF THE NATIONAL CLASSIFICATION COMMITTEE

Section 5. Officers

At its first meeting subsequent to the annual election, the Committee shall organize by electing a Chairman, a First Vice-Chairman and a Second Vice-Chairman; and by selecting the Secretary of the Committee, who shall have no vote and need not be a member of the Committee.

Section 6. Classification Panels

Classification Panels are subgroups of the Committee that have the power and duty to consider and act on classification matters. At the discretion of the Committee, the Chairman may establish up to four Panels of up to 25 Committee members each. Panel members and a Chairman and Vice Chairman of each Panel shall be appointed as necessary by the Chairman of the Committee. The Secretary of the Committee shall act as the Secretary of each Panel. Members of the Classification Panels shall serve until their successors have been appointed. No Committee member shall be obliged to serve on a Panel.

Section 7. Subcommittees

The Chairman of the Committee may, and at the discretion of the Committee shall, appoint such subcommittees as are required to conduct the work of the Committee.

Section 8. Vacancies and Tenure of Office

The Chairman of the Committee shall have the authority to fill any vacancy on the Committee by appointment. All members shall serve until their successors are elected or appointed and have signified a willingness to serve. The Chairman, Vice-Chairmen and Secretary of the Committee shall serve for terms beginning with election to office and continuing until the next succeeding Committee shall have elected new officers. In the event a vacancy occurs in the office of Chairman, through resignation or otherwise, the First Vice-Chairman shall succeed to that post, and the Second Vice-Chairman shall succeed to the post of First Vice-Chairman.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 1. Powers and Duties of the Committee

The Committee shall have the power and duty to:

(a) Investigate and consider matters affecting the classification of commodities, initiate proposals for changes in the National Motor Freight Classification (hereinafter called the Classification), and determine and prescribe the descriptions of articles, classes, rules, packaging requirements and specifications, bill of lading formats, other provisions and the context of the Classification; provided, however, that any participating carrier shall have the free and unrestrained right to establish, or concur in, exceptions to the Classification;

(b) Establish the procedures under which the Classification Panels shall operate, and direct and monitor the staff in its performance of analytical and support services;

(c) Upon request, make the staff available, on a direct-cost reimbursement basis, to assist shippers in conducting research on classification matters and to report the results to the Committee when the research reveals that a classification change may be warranted;

(d) Upon request, make the staff available to assist shippers in making appropriate proposals for classification changes;

(e) Establish the procedures under which proposals for new or changed descriptions of articles, classes, rules, packaging requirements and specifications, bill of lading formats and other provisions of the Classification shall be initiated, heard and decided;

(f) Upon request, make the Committee's Synopsis of Classification Opinions available to any interested person, to the same extent, on the same terms and at the same charge that it is made available to the Committee's member carriers;

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 1. Powers and Duties of the Committee – concluded

(g) Establish reasonable terms and conditions under which entities may become participants in the Classification, and any entity may become a participant therein upon complying with such terms and conditions.

Section 2. Powers and Duties of Classification Panels

(a) At the direction of the Committee, Classification Panels may:

- (1) Direct research regarding commodities and any classification proposal or provision;
- (2) Docket proposals for changes in the Classification;
- (3) Hear, consider and act on docketed proposals and other classification matters.

(b) In acting on a docketed proposal, a Classification Panel may: (1) approve the proposal as docketed; (2) disapprove the proposal as docketed; or (3) modify and approve the proposal; or (4) at its discretion defer disposition to the next Classification Panel.

(c) The disposition of a docketed proposal by a Classification Panel shall be the final disposition of the Committee, unless reconsideration by the full Committee, rather than arbitration, is requested of a Classification Panel decision and is agreed to by all parties to the classification proposal.

Section 3. Conduct of Business by the Committee or a Classification Panel

(a) The Committee and/or a Classification Panel shall conduct business at meetings which shall be held at least three times a year at times and places and in formats to be designated and noticed by the Secretary of the Committee not less than sixty (60) days in advance. Special meetings to consider matters other than docketed proposals may be called by the Secretary, and shall be called by the Secretary at the request of fifteen or more members, on not less than twenty (20) days' written notice.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 3. Conduct of Business by the Committee or a Classification Panel – continued

(b) At meetings of the Committee or a Classification Panel each member shall have one vote. A majority vote of the members present at a meeting shall govern the Committee's or Classification Panel's action. At all meetings the presence of 30% of the total membership of the Committee or Classification Panel shall be necessary to transact business. Meetings shall be governed by Robert's Rules of Order. Formal minutes of all meetings and a record of the maker and seconder of every motion respecting a docketed proposal and the vote of all members thereon shall be maintained.

(c) Notice and Disclosure required prior to a meeting of the Committee or Classification Panel

- (1) Not less than sixty (60) days prior to a Committee or Classification Panel meeting:
 - (i) The full text of the Committee's Docket Bulletin shall be posted on the National Motor Freight Traffic Association's website and simultaneously provided by mail, e-mail or facsimile to proponents of docketed proposals scheduled to be considered at the meeting, to all members of the Committee or Panel, as the case may be, and to each subscriber to the Docket Bulletin. The notice provided in the Docket Bulletin shall specify the time, date and place of the meeting, and shall contain the full text of each proposed change along with the relevant staff report (analysis), or a summary thereof, and specify how to contact the staff member assigned to the proposal, how to contact the proponent(s) of the proposal and how to obtain the raw data and any other information in the Committee's public docket file. The Docket Bulletin shall also list classification review matters to be considered at the meeting, including how to contact the staff member assigned and how to obtain a copy of the relevant staff report.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 3. Conduct of Business by the Committee or a Classification Panel – continued

(c) Notice and Disclosure required prior to a meeting of the Committee or Classification Panel

(1) Not less than sixty (60) days prior to a Committee or Classification Panel meeting:

(ii) Individual notice shall be provided by mail, e-mail or facsimile to all shippers that participated in any Committee research activities leading to docketed proposals or other classification matters to be considered at the meeting. Individual notice shall likewise be provided to all trade and professional associations that have been identified by staff as representing shippers of the involved product(s). Individual notice shall specify the time, date and place of the meeting, the National Motor Freight Traffic Association's website address for online access to the Docket Bulletin and instructions for obtaining access to the Committee's public files.

(iii) The Committee, without request and free of charge, shall provide copies of any reports (analyses) prepared by the staff concerning a docketed proposal to any party that has participated in the corresponding research study.

(2) No later than thirty (30) days prior to the public meeting, interested parties may submit statements, including any underlying studies, work papers, supporting raw data and any other information, relating to a docketed proposal to the Secretary of the Committee.

(3) After thirty (30) days but no later than fifteen (15) days prior to the public meeting, the Committee and any interested party may submit a statement or analysis regarding the information of record, but no new facts, data or evidence will be accepted or considered.

The Committee shall include this material in the public docket file.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 3. Conduct of Business by the Committee or a Classification Panel – continued

(c) Notice and Disclosure required prior to a meeting of the Committee or Classification Panel

(4) The Secretary of the Committee shall forward all information of record to the Committee or Classification Panel members, as the case may be, prior to the meeting at which a docketed proposal is to be considered.

(d) Any interested person may file with the Secretary of the Committee written representations respecting any docketed proposal or other classification matter in electronic or paper format. Written representations relating to a docketed proposal will be included in the Committee's public docket file. Such public files may will be posted on the National Motor Freight Traffic Association's website, and in those circumstances, written representations submitted in paper format will be electronically scanned for inclusion in the files. To ensure that the highest quality image is captured during the scanning process, all letters, statements, data sheets and other written representations submitted in paper format must be typed on 8½ by 11-inch white paper, with type no smaller than 12 point.

(e) Any person interested in a docketed proposal or other classification matter shall, upon request to the Secretary of the Committee, be allotted a reasonable amount of time, as determined by the Secretary, for an appearance before the Committee or Classification Panel, as the case may be.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 3. Conduct of Business by the Committee or a Classification Panel – concluded

(f) In considering a docketed proposal, the Committee or Classification Panel will be guided exclusively by:

- (1) The public record consisting of all material in the public docket file that has been established by the process set forth in this Agreement;
- (2) The applicable regulatory and legal standards and precedent establishing the reasonableness of classification provisions;
- (3) Principles of procedural fairness as set forth in this Agreement and the arguments of the parties based on the public file; and
- (4) The Committee's policies and guidelines ~~the Committee has established for determining appropriate classification provisions, as posted on the National Motor Freight Traffic Association's website~~ of record contained in the public file.

(g) Upon request, the Secretary promptly shall divulge to any person the vote cast by each member of the Committee or a Classification Panel on any docketed proposal.

Section 4. Subcommittee Meetings

Meetings of any subcommittees shall be held on call of the Chairman of such subcommittee. The members present at any meeting shall constitute a quorum and all meetings shall be governed by Robert's Rules of Order; except that any part of a meeting of a subcommittee during which proposals for new or changed provisions in the Classification may be developed shall be noticed as provided in Section 3(c) and will be subject to the quorum, open meeting and any other applicable procedural requirements established in the Agreement for the collective consideration of classification matters by the Committee and Classification Panels. Any person interested in such classification matters may attend the meeting, and all persons in attendance may participate in discussions.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE IV – RULES OF PROCEDURE FOR CHANGES IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION

Rule 1. Proposal Forms

The Committee shall provide a suitable form for the submission of proposals for changes in the provisions of the National Motor Freight Classification.

Rule 2. Proposals

(a) All proposals to establish new or changed descriptions of articles, classes, rules, packaging requirements and specifications, bill of lading formats or other provisions of the Classification, shall be filed in writing with the Secretary of the Committee. The staff will provide assistance in the formulation or preparation of such proposals, as may be requested. Proposals may be filed by the Committee, a Classification Panel or any other person, firm, corporation or group having an interest in the contents of the Classification; provided, however, that no employee or employee committee of the Committee may docket or act on any proposal.

(b) Each classification proposal shall be docketed. A Docket Bulletin describing such proposals shall be published by the Secretary and posted on the National Motor Freight Traffic Association's website. Docket Bulletins shall be simultaneously provided by mail, e-mail or facsimile to proponents, to all members of the Committee and to all subscribers to the Docket Bulletin.

(c) Upon request, the name of the proponent of a proposal shall be promptly divulged to any person. In the case of a proposal docketed by the Committee or a Classification Panel, the member moving to docket, the member seconding the motion and a tally of the votes promptly will be divulged.

Rule 3. Docketing and Parties of Record

(a) The Secretary of the Committee shall place proposals on the first available docket for public hearing.

(b) Any person may become a party of record to a docketed proposal by communicating an interest in writing to the Secretary prior to the public meeting at which the proposal will be considered.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE IV – RULES OF PROCEDURE FOR CHANGES IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION

Rule 4. Public Docket Files

(a) Copies of all reports, analyses, studies, work papers, supporting raw data and other information in the Committee's possession relating to a docketed proposal, along with the full text of the proposed change, shall be made available in a public file., ~~subject to any protective orders that may be obtained from the Surface Transportation Board. Protective orders notwithstanding,~~ The public docket file will not name the entity that provided the raw data, nor will it include information that could lead to the name of the entity that provided the raw data. The source of the raw data will be identified as "shipper/receiver," "carrier," or the like.

(b) Any interested person may obtain the Committee's public file on any docketed proposal by submitting a request in writing by mail, by e-mail or by facsimile to the Committee. The request must specify the Committee's docket and subject numbers, the material(s) sought, and whether the material(s) is to be furnished by mail or e-mail or made available for courier pick-up. The material(s) will be mailed, e-mailed or made available for courier pick-up no later than two (2) business days after the request is received. If the request is received before the docket record is closed, the material(s) will be furnished as of the date the request is received. After the docket record is closed, any material(s) added to the public file subsequent to the date of the request will be furnished, as per the requesting party's instructions, within two (2) business days. A reasonable charge, not to exceed the Committee's cost for copying and transmittal, will be assessed for these services.

(c) The Committee ~~may~~ will also post the public docket files on the National Motor Freight Traffic Association's website, organized by docket and subject numbers, each file including an index of documents. Material received after the initial posting of a public docket file will be posted on the website within two (2) business days after the deadline for receiving the material.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE IV – RULES OF PROCEDURE FOR CHANGES IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION

Rule 4. Public Docket Files – concluded

(d) The Committee's public docket files will be retained at the Committee's offices for a period of at least five (5) years. Public files posted on the National Motor Freight Traffic Association's website will be retained there until final disposition, including any arbitration proceeding or proceedings before the Surface Transportation Board.

Rule 5. Public Meetings

Meetings open to the public shall be conducted by the Committee or a Classification Panel, as the case may be, on all docketed proposals and on all other classification matters, and by subcommittees when considering matters pertaining to changes in the Classification. At public meetings any person may participate by presenting views orally and/or in writing on any classification matter under consideration; however, facts, data or evidence relating to docketed proposals received less than thirty (30) days prior to the meeting will not be accepted or considered. Note-taking and/or sound recordings are permitted at these public meetings provided that the meeting is not disrupted by such activities.

Rule 6. Disposition of Proposals

(a) Disposition of docketed proposals shall be made by the 120th day after docketing, unless reconsideration by the full Committee is requested of a Committee or Classification Panel decision by all parties to that classification proposal.

(b) In disposing of a docketed proposal, the Committee or a Classification Panel may modify the proposal, but it may not broaden the scope of the proposal as shown in the Docket Bulletin.

(c) Members may not discuss or vote on provisions governed by Section 14706 (c)(1)(C) of Title 49 of the United States Code.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE IV – RULES OF PROCEDURE FOR CHANGES IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION

Rule 7. Changes Without Docketing

Changes in the Classification made necessary by law or by order of a regulatory body or for clarification, may be made without docketing or observance of the procedures herein. Notice of such changes shall be provided in the Docket Bulletin and posted on the National Motor Freight Traffic Association's website.

Rule 8. Notice and Publication

(a) Notice of Committee and Classification Panel dispositions of docketed proposals shall be provided by mail, e-mail or facsimile to the proponents, parties of record, members of the Committee, subscribers to the Docket Bulletin and any parties that have submitted written requests for such notice. Information on all classification actions will be posted on the National Motor Freight Traffic Association's website.

(b) The Secretary of the Committee shall instruct the Publishing Agent of the Classification of changes to be made in the Classification in accordance with the disposition of proposals.

Rule 9. Independent Action

(a) The Committee may not interfere with a carrier's free and unrestrained right of independent action.

(b) Proposals for independent action will not be discussed by the Committee or by any Classification Panel. Any expert analysis or technical assistance provided by employees or employee committees concerning any independent action proposal shall be kept confidential.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Should any party disagree with the disposition of a docketed proposal by the Committee or a Classification Panel, arbitration may be sought by that party subject to the following rules of procedure.

Rule 1. Request for Arbitration

The party seeking relief shall be referred to as the claimant and the National Classification Committee (Committee) shall be referred to as the respondent. Within thirty (30) days of a classification decision by the Committee or a Classification Panel, claimant(s) shall notify the Secretary of the Committee by mail, telephone, e-mail or facsimile that arbitration is requested of the Committee or Classification Panel action on the docketed proposal.

Rule 2. Selection of Arbitrator

(a) ~~Within two (2) business days after such notice by claimant(s),~~ The Secretary of the Committee shall develop, prepare or select post on the National Motor Freight Traffic Association's website a list of not less than ten (10) neutral arbitrators ~~from~~ selected by an independent arbitration association. If a person does not have Internet capability, upon notice by that party that it wishes to seek arbitration, the Secretary, within two (2) business days after that notice, will provide the list of not less than ten (10) neutral arbitrators ~~shall be forwarded~~ by express mail, e-mail or facsimile. ~~to the claimant(s).~~ The claimant(s) and the Secretary of the Committee shall confer by telephone, e-mail or facsimile within three (3) business days after the list of neutral arbitrators has been received by the claimant(s) or was available to the claimant(s) on the National Motor Freight Traffic Association's website to mutually agree to a neutral arbitrator. If the claimant(s) and the Secretary select different neutral arbitrators, and cannot agree on a single neutral arbitrator, they will so notify the arbitration association, and the two selected arbitrators will choose the arbitrator to handle the matter from the remaining arbitrators on the list who were not selected. The arbitration association shall be notified by telephone, e-mail or facsimile of the selection of the neutral arbitrator, and the arbitration association shall determine whether the selected

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Rule 2. Selection of Arbitrator - concluded

neutral arbitrator has a conflict of interest. The claimant(s) and the Secretary of the Committee shall be notified promptly of the results of that inquiry. If the neutral arbitrator selected has a conflict exists of interest, the two originally selected arbitrators will choose another neutral arbitrator until no conflict of interest exists.

(b) The list of neutral arbitrators will be utilized unless, within seven (7) business days after notice of arbitration is provided by a claimant, the parties mutually agree to utilize a neutral arbitrator not identified on the list.

Rule 3. Commencing The Arbitration Process

Prior to the commencement of the review by the neutral arbitrator, claimant(s) and the Committee will be required to execute an arbitration agreement. Upon receipt of the signed arbitration agreement, the arbitration association shall direct the selected neutral arbitrator to commence the proceeding. The claimant(s) and the Committee will share equally in the fees charged for the arbitration process by the arbitration association, except that each will bear their own legal or representation fees and administrative costs.

Rule 4. Transmittal of Public Record

Within one (1) business day after the notice of the selection of a neutral arbitrator, the Secretary of the Committee shall forward by express mail a complete copy of the public record developed during the course of the handling of the docketed proposal before the Committee or a Classification Panel to the arbitrator, and concurrently, a copy (copies) by express mail to the claimant(s).

Rule 5. Parties' Statements of Position

Within seven (7) business days after the notice of the selection of a neutral arbitrator, the claimant(s) may submit to the arbitrator a statement of position as to why the initial classification action

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Rule 5. Parties' Statements of Position - concluded

by the Committee or a Classification Panel is not in conformity with established classification standards. A copy of the statement shall be provided by express mail, e-mail or facsimile to the Secretary of the Committee. Within ~~seven (7)~~ ten (10) business days after the receipt of claimant's(s') statement(s) the Committee may submit a response by express mail, e-mail or facsimile to the arbitrator, and send a copy by express mail, e-mail or facsimile to the claimant(s). At the arbitrator's discretion, rebuttal statement(s) may be submitted by the claimant(s) by express mail, e-mail or facsimile within five (5) business days after receipt of the Committee's reply. A copy of the rebuttal(s) must be served contemporaneously by express mail, e-mail or facsimile on the Secretary of the Committee.

Rule 6. Decision of Arbitrator

Within ~~forty-five (45)~~ thirty (30) days after the receipt of the ~~public record~~ parties' statements of position, the arbitrator shall issue a written decision determining whether or not to affirm the challenged classification action. The arbitrator's decision will consider statements on appeal submitted by the parties, but such statements must ~~rely exclusively on the facts~~, not include inappropriate evidence and information which ~~comprise the public record that has been established by the process set forth in this Agreement~~ issues and must not seek or constitute a de novo review. The arbitrator's conclusions shall be governed by the established regulatory and legal standards and precedent for evaluating the reasonableness of classification provisions. The reasonableness of the class(es) proposed for any commodity shall be determined exclusively by comparison of that commodity's four recognized transportation characteristics (density, stowability, handling and liability, as defined by the Interstate Commerce Commission in Ex Parte No. MC-98 (Sub-No. 1), Investigation Into Motor Carrier Classification, 367 I.C.C. 243 (1983) and related cases) with the transportation characteristics of other commodities that are assigned a comparable class(es). The decision will set forth the essential reasoning that was relied upon in reaching these conclusions. The arbitrator's decision shall be final, subject only to

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Rule 6. Decision of Arbitrator - concluded

review through the filing of a complaint with the Surface Transportation Board. The Committee may publish any classification action found reasonable by the arbitrator to become effective not less than fifteen (15) days after the arbitrator publishes its his or her decision.

Rule 7. Challenge of Classification Decision If Arbitration Is Not Sought

If arbitration is not sought within thirty (30) days after the classification decision on a proposal is made by the Committee or a Classification Panel, the approved changes may be published to take effect on not less than fifteen (15) days' notice. Should the classification change be protested before the scheduled effective date, in accord with the Surface Transportation Board's procedures, the protest and any reply by the Committee shall be based on the public record upon which the Committee's or Classification Panel's action was based, unless the party(ies) protesting the classification action establishes that the Committee failed to give notice of the docketed proposal as required by its approved classification procedures.

Rule 8. Challenge of the Arbitrator's Decision

If a classification decision by the Committee or a Classification Panel is the subject of an arbitration proceeding, the classification decision, if affirmed by the arbitrator, may not be protested to the Surface Transportation Board but must be challenged only through the filing of a complaint with the Surface Transportation Board.

Rule 9. Alternative to Arbitration

If all of the parties objecting to an initial classification decision by the Committee or a Classification Panel agree to seek reconsideration of the classification action by the full Committee, that request must be made within thirty (30) days of the initial classification decision to the Secretary of the Committee by mail, e-mail or facsimile. A majority of the Committee present shall decide whether the reconsidered classification decision shall be approved or disapproved. The reconsideration process may require that final disposition of the classification proposal extend beyond the 120th day after docketing.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Rule 9. Alternative to Arbitration - concluded

After reconsideration, dissatisfied persons may file petitions for suspension of the reconsidered classification proposal with the Surface Transportation Board.

ARTICLE VI - AMENDMENTS

Section 1. Committee Action

This Agreement may be amended or revised at any regular or special meeting of the Committee by a two-thirds majority vote of the members present, a quorum being present and voting, provided that thirty (30) days' notice in writing of the proposed amendment shall have been provided by mail, e-mail or facsimile to all members of the Committee. Such notice shall set forth the exact language of the proposed amendment, but the Committee shall be empowered to change or modify such language so long as the amendment as finally adopted is within the scope and purpose of the proposed amendment of which notice was given.

Section 2. Referendum

Any three members of the Committee or any group of twenty-five or more parties to this Agreement by writing addressed to the Secretary within forty (40) days after the date of such amendment may request the Secretary to submit such amendments to a referendum mail vote to all persons then parties to this Agreement. Upon this demand being made, the Secretary shall submit such amendment to such referendum within thirty (30) days after such request and call for written and signed ballots with respect thereto to be filed with the Secretary within fifteen (15) days thereafter. Such amendment shall be deemed to be disapproved and shall be of no force or effect, if upon such referendum a majority of the then parties to this Agreement shall vote that such amendment be disapproved or rejected.

Section 3. Effective Date

No amendments to this Agreement shall become effective until submitted to, and approved by, the Surface Transportation Board.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE VI - AMENDMENTS

Section 4. Force and Effect

An amendment adopted and approved as herein provided unless subsequently disapproved by referendum shall become a part of this Agreement with like force and effect as if it had been originally incorporated herein and shall be binding upon all parties to this Agreement.

ARTICLE VII - TERMS AND PARTIES

Section 1. Duration

The term of this Agreement shall be for a period of one (1) year and thereafter until terminated, as it may be at any regular or special meeting of the Committee by a two-thirds vote of the members of the Committee present and voting, or by a majority of the entire Committee, provided written notice of such proposed termination shall have been mailed to all members of the Committee at least thirty (30) days prior to the meeting at which the same is to be considered.

Section 2. Voluntary Withdrawal

Any party to this Agreement may withdraw therefrom upon not less than sixty (60) days' notice in writing to the Secretary of the Committee.

Section 3. Involuntary Withdrawal

Any party to this Agreement who for any reason whatsoever shall cease to be a motor carrier of property or a participant in the Classification shall cease to be a party hereto upon the date of such cessation.

Section 4. Readmission

Any party to this Agreement who has withdrawn voluntarily or involuntarily may again become a party hereto by making a request in writing, provided such party is, upon the date of such request, a motor carrier of property and a participant in the Classification.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

IN TESTIMONY WHEREOF, the parties hereto have set their hands and seals as of this.....

..... day of....., 20.....

Carrier

By

Title

Date

Trade Name (if any)

Business Address (Main Office)

Number Street

City County State Zip Code

Type of Organization

..... (Individual, partnership or corporation)

If a corporation:

State in which organized

Date of incorporation

If a partnership:

Date of formation of partnership

Names of all partners

Type of carrier

Certificates: MC No. US DOT No..

B

AGREEMENT

As Amended

_____, 200_

RELATING TO

PROCEDURES FOR

COLLECTIVELY ESTABLISHING AND

MAINTAINING THE PROVISIONS OF THE

NATIONAL MOTOR FREIGHT CLASSIFICATION

By The

NATIONAL CLASSIFICATION COMMITTEE

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

PREAMBLE

The undersigned motor carrier in consideration of the covenants of the other motor carriers of property signatory to this Agreement agrees that it will participate in the collective initiation, consideration and change of classifications and rules governing the transportation of property in interstate or foreign commerce in accordance with the terms of this Agreement.

The undersigned carrier and every other carrier party to this Agreement may exercise the free and unrestrained right to take independent action at any time with respect to any of the matters contained herein.

The undersigned carrier appoints the Secretary of the National Classification Committee as its agent and attorney-in-fact to sign, file and pursue in its name before the United States Surface Transportation Board (Surface Transportation Board) such application(s) as may be required for the authorization or reauthorization of this Agreement, and to take any other appropriate action in connection therewith.

ARTICLE I - PURPOSE AND SCOPE

This Agreement pertains to the collective initiation, consideration and handling of motor freight classification matters and for the organization, powers and procedures of a committee of up to one hundred representatives of the motor carriers party to this Agreement to be known as the National Classification Committee (hereinafter called the Committee).

ARTICLE II - ORGANIZATION OF THE NATIONAL CLASSIFICATION COMMITTEE

Section 1. National Classification Committee

The Committee shall consist of up to one hundred members, to be elected from the fifty states, the District of Columbia, Canada and Mexico (hereinafter called jurisdiction(s)). The number of members to be elected from each jurisdiction shall be determined by the Secretary of the Committee, in accordance with the classification participation fees received from each of the jurisdictions during the previous fiscal year.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE II - ORGANIZATION OF THE NATIONAL CLASSIFICATION COMMITTEE

Section 2. Voting Rights

Each party to this Agreement shall be entitled to one vote for each Committee member to be elected from the jurisdiction in which its principal place of business is located. A carrier entitled to vote for more than one nominee may, if it so elects, cast all of the votes to which it is entitled in favor of one nominee, or it may cast one or more votes for each of one or more nominees.

Section 3. Nominations

(a) The Committee shall be reconstituted on July 1 of each year. Any officer, owner or full-time employee of a motor carrier party to this Agreement shall be eligible for membership on the Committee, except that no member of the Committee who is serving a consecutive term and who has not attended one of the three regular meetings next preceding the issuing of ballots as provided in Section 4 hereof, shall be eligible for re-election.

(b) Any party to the Agreement may nominate one qualified person for election from the jurisdiction in which such nominator is domiciled. The Secretary of the Committee shall request nominations from all parties not later than April 1 of each year. Nominations must be made in writing to the Secretary not later than May 1.

Section 4. Elections

By June 1 of each year, the Secretary of the Committee shall issue by mail or electronic means to each party to this Agreement a ballot listing all nominees in its jurisdiction. Each party desiring to vote shall return its ballot to the Secretary of the Committee not later than June 25. The Secretary of the Committee and two witnesses shall count the votes and certify the results to the Chairman of the Committee. In the event of a tie vote, the Secretary shall take a second ballot in the jurisdiction in which the tie occurs, and balloting shall continue until the tie is broken.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE II - ORGANIZATION OF THE NATIONAL CLASSIFICATION COMMITTEE

Section 5. Officers

At its first meeting subsequent to the annual election, the Committee shall organize by electing a Chairman, a First Vice-Chairman and a Second Vice-Chairman; and by selecting the Secretary of the Committee, who shall have no vote and need not be a member of the Committee.

Section 6. Classification Panels

Classification Panels are subgroups of the Committee that have the power and duty to consider and act on classification matters. At the discretion of the Committee, the Chairman may establish up to four Panels of up to 25 Committee members each. Panel members and a Chairman and Vice Chairman of each Panel shall be appointed as necessary by the Chairman of the Committee. The Secretary of the Committee shall act as the Secretary of each Panel. Members of the Classification Panels shall serve until their successors have been appointed. No Committee member shall be obliged to serve on a Panel.

Section 7. Subcommittees

The Chairman of the Committee may, and at the discretion of the Committee shall, appoint such subcommittees as are required to conduct the work of the Committee.

Section 8. Vacancies and Tenure of Office

The Chairman of the Committee shall have the authority to fill any vacancy on the Committee by appointment. All members shall serve until their successors are elected or appointed and have signified a willingness to serve. The Chairman, Vice-Chairmen and Secretary of the Committee shall serve for terms beginning with election to office and continuing until the next succeeding Committee shall have elected new officers. In the event a vacancy occurs in the office of Chairman, through resignation or otherwise, the First Vice-Chairman shall succeed to that post, and the Second Vice-Chairman shall succeed to the post of First Vice-Chairman.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 1. Powers and Duties of the Committee

The Committee shall have the power and duty to:

(a) Investigate and consider matters affecting the classification of commodities, initiate proposals for changes in the National Motor Freight Classification (hereinafter called the Classification), and determine and prescribe the descriptions of articles, classes, rules, packaging requirements and specifications, bill of lading formats, other provisions and the context of the Classification; provided, however, that any participating carrier shall have the free and unrestrained right to establish, or concur in, exceptions to the Classification;

(b) Establish the procedures under which the Classification Panels shall operate, and direct and monitor the staff in its performance of analytical and support services;

(c) Upon request, make the staff available, on a direct-cost reimbursement basis, to assist shippers in conducting research on classification matters and to report the results to the Committee when the research reveals that a classification change may be warranted;

(d) Upon request, make the staff available to assist shippers in making appropriate proposals for classification changes;

(e) Establish the procedures under which proposals for new or changed descriptions of articles, classes, rules, packaging requirements and specifications, bill of lading formats and other provisions of the Classification shall be initiated, heard and decided;

(f) Upon request, make the Committee's Synopsis of Classification Opinions available to any interested person, to the same extent, on the same terms and at the same charge that it is made available to the Committee's member carriers;

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 1. Powers and Duties of the Committee – concluded

(g) Establish reasonable terms and conditions under which entities may become participants in the Classification, and any entity may become a participant therein upon complying with such terms and conditions.

Section 2. Powers and Duties of Classification Panels

(a) At the direction of the Committee, Classification Panels may:

- (1) Direct research regarding commodities and any classification proposal or provision;
- (2) Docket proposals for changes in the Classification;
- (3) Hear, consider and act on docketed proposals and other classification matters.

(b) In acting on a docketed proposal, a Classification Panel may: (1) approve the proposal as docketed; (2) disapprove the proposal as docketed; (3) modify and approve the proposal; or (4) at its discretion defer disposition to the next Classification Panel.

(c) The disposition of a docketed proposal by a Classification Panel shall be the final disposition of the Committee, unless reconsideration by the full Committee, rather than arbitration, is requested of a Classification Panel decision and is agreed to by all parties to the classification proposal.

Section 3. Conduct of Business by the Committee or a Classification Panel

(a) The Committee and/or a Classification Panel shall conduct business at meetings which shall be held at least three times a year at times and places and in formats to be designated and noticed by the Secretary of the Committee not less than sixty (60) days in advance. Special meetings to consider matters other than docketed proposals may be called by the Secretary, and shall be called by the Secretary at the request of fifteen or more members, on not less than twenty (20) days' written notice.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 3. Conduct of Business by the Committee or a Classification Panel – continued

(b) At meetings of the Committee or a Classification Panel each member shall have one vote. A majority vote of the members present at a meeting shall govern the Committee's or Classification Panel's action. At all meetings the presence of 30% of the total membership of the Committee or Classification Panel shall be necessary to transact business. Meetings shall be governed by Robert's Rules of Order. Formal minutes of all meetings and a record of the maker and seconder of every motion respecting a docketed proposal and the vote of all members thereon shall be maintained.

(c) Notice and Disclosure required prior to a meeting of the Committee or Classification Panel

- (1) Not less than sixty (60) days prior to a Committee or Classification Panel meeting:
 - (i) The full text of the Committee's Docket Bulletin shall be posted on the National Motor Freight Traffic Association's website and simultaneously provided by mail, e-mail or facsimile to proponents of docketed proposals scheduled to be considered at the meeting, to all members of the Committee or Panel, as the case may be, and to each subscriber to the Docket Bulletin. The notice provided in the Docket Bulletin shall specify the time, date and place of the meeting, and shall contain the full text of each proposed change along with the relevant staff report (analysis), or a summary thereof, and specify how to contact the staff member assigned to the proposal, how to contact the proponent(s) of the proposal and how to obtain the raw data and any other information in the Committee's public docket file. The Docket Bulletin shall also list classification review matters to be considered at the meeting, including how to contact the staff member assigned and how to obtain a copy of the relevant staff report.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 3. Conduct of Business by the Committee or a Classification Panel – continued

(c) Notice and Disclosure required prior to a meeting of the Committee or Classification Panel

- (1) Not less than sixty (60) days prior to a Committee or Classification Panel meeting:
 - (ii) Individual notice shall be provided by mail, e-mail or facsimile to all shippers that participated in any Committee research activities leading to docketed proposals or other classification matters to be considered at the meeting. Individual notice shall likewise be provided to all trade and professional associations that have been identified by staff as representing shippers of the involved product(s). Individual notice shall specify the time, date and place of the meeting, the National Motor Freight Traffic Association's website address for online access to the Docket Bulletin and instructions for obtaining access to the Committee's public files.
 - (iii) The Committee, without request and free of charge, shall provide copies of any reports (analyses) prepared by the staff concerning a docketed proposal to any party that has participated in the corresponding research study.
- (2) No later than thirty (30) days prior to the public meeting, interested parties may submit statements, including any underlying studies, work papers, supporting raw data and any other information, relating to a docketed proposal to the Secretary of the Committee.
- (3) After thirty (30) days but no later than fifteen (15) days prior to the public meeting, the Committee and any interested party may submit a statement or analysis regarding the information of record, but no new facts, data or evidence will be accepted or considered. The Committee shall include this material in the public docket file.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 3. Conduct of Business by the Committee or a Classification Panel – continued

(c) Notice and Disclosure required prior to a meeting of the Committee or Classification Panel

(4) The Secretary of the Committee shall forward all information of record to the Committee or Classification Panel members, as the case may be, prior to the meeting at which a docketed proposal is to be considered.

(d) Any interested person may file with the Secretary of the Committee written representations respecting any docketed proposal or other classification matter in electronic or paper format. Written representations relating to a docketed proposal will be included in the Committee's public docket file. Such public files will be posted on the National Motor Freight Traffic Association's website, and written representations submitted in paper format will be electronically scanned for inclusion in the files. To ensure that the highest quality image is captured during the scanning process, all letters, statements, data sheets and other written representations submitted in paper format must be typed on 8½ by 11-inch white paper, with type no smaller than 12 point.

(e) Any person interested in a docketed proposal or other classification matter shall, upon request to the Secretary of the Committee, be allotted a reasonable amount of time, as determined by the Secretary, for an appearance before the Committee or Classification Panel, as the case may be.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE III - NATIONAL CLASSIFICATION COMMITTEE - POWERS, DUTIES AND PROCEDURES

Section 3. Conduct of Business by the Committee or a Classification Panel – concluded

(f) In considering a docketed proposal, the Committee or Classification Panel will be guided exclusively by:

- (1) The public record consisting of all material in the public docket file that has been established by the process set forth in this Agreement;
- (2) The applicable regulatory and legal standards and precedent establishing the reasonableness of classification provisions;
- (3) Principles of procedural fairness as set forth in this Agreement and the arguments of the parties based on the public file; and
- (4) The Committee's policies and guidelines of record contained in the public file.

(g) Upon request, the Secretary promptly shall divulge to any person the vote cast by each member of the Committee or a Classification Panel on any docketed proposal.

Section 4. Subcommittee Meetings

Meetings of any subcommittees shall be held on call of the Chairman of such subcommittee. The members present at any meeting shall constitute a quorum and all meetings shall be governed by Robert's Rules of Order; except that any part of a meeting of a subcommittee during which proposals for new or changed provisions in the Classification may be developed shall be noticed as provided in Section 3(c) and will be subject to the quorum, open meeting and any other applicable procedural requirements established in the Agreement for the collective consideration of classification matters by the Committee and Classification Panels. Any person interested in such classification matters may attend the meeting, and all persons in attendance may participate in discussions.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE IV – RULES OF PROCEDURE FOR CHANGES IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION

Rule 1. Proposal Forms

The Committee shall provide a suitable form for the submission of proposals for changes in the provisions of the National Motor Freight Classification.

Rule 2. Proposals

(a) All proposals to establish new or changed descriptions of articles, classes, rules, packaging requirements and specifications, bill of lading formats or other provisions of the Classification, shall be filed in writing with the Secretary of the Committee. The staff will provide assistance in the formulation or preparation of such proposals, as may be requested. Proposals may be filed by the Committee, a Classification Panel or any other person, firm, corporation or group having an interest in the contents of the Classification; provided, however, that no employee or employee committee of the Committee may docket or act on any proposal.

(b) Each classification proposal shall be docketed. A Docket Bulletin describing such proposals shall be published by the Secretary and posted on the National Motor Freight Traffic Association's website. Docket Bulletins shall be simultaneously provided by mail, e-mail or facsimile to proponents, to all members of the Committee and to all subscribers to the Docket Bulletin.

(c) Upon request, the name of the proponent of a proposal shall be promptly divulged to any person. In the case of a proposal docketed by the Committee or a Classification Panel, the member moving to docket, the member seconding the motion and a tally of the votes promptly will be divulged.

Rule 3. Docketing and Parties of Record

(a) The Secretary of the Committee shall place proposals on the first available docket for public hearing.

(b) Any person may become a party of record to a docketed proposal by communicating an interest in writing to the Secretary prior to the public meeting at which the proposal will be considered.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE IV – RULES OF PROCEDURE FOR CHANGES IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION

Rule 4. Public Docket Files

(a) Copies of all reports, analyses, studies, work papers, supporting raw data and other information in the Committee's possession relating to a docketed proposal, along with the full text of the proposed change, shall be made available in a public file. The public docket file will not name the entity that provided the raw data, nor will it include information that could lead to the name of the entity that provided the raw data. The source of the raw data will be identified as "shipper/receiver," "carrier," or the like.

(b) Any interested person may obtain the Committee's public file on any docketed proposal by submitting a request in writing by mail, by e-mail or by facsimile to the Committee. The request must specify the Committee's docket and subject numbers, the material(s) sought, and whether the material(s) is to be furnished by mail or e-mail or made available for courier pick-up. The material(s) will be mailed, e-mailed or made available for courier pick-up no later than two (2) business days after the request is received. If the request is received before the docket record is closed, the material(s) will be furnished as of the date the request is received. After the docket record is closed, any material(s) added to the public file subsequent to the date of the request will be furnished, as per the requesting party's instructions, within two (2) business days. A reasonable charge, not to exceed the Committee's cost for copying and transmittal, will be assessed for these services.

(c) The Committee will also post the public docket files on the National Motor Freight Traffic Association's website, organized by docket and subject numbers, each file including an index of documents. Material received after the initial posting of a public docket file will be posted on the website within two (2) business days after the deadline for receiving the material.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE IV – RULES OF PROCEDURE FOR CHANGES IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION

Rule 4. Public Docket Files – concluded

(d) The Committee's public docket files will be retained at the Committee's offices for a period of at least five (5) years. Public files posted on the National Motor Freight Traffic Association's website will be retained there until final disposition, including any arbitration proceeding or proceedings before the Surface Transportation Board.

Rule 5. Public Meetings

Meetings open to the public shall be conducted by the Committee or a Classification Panel, as the case may be, on all docketed proposals and on all other classification matters, and by subcommittees when considering matters pertaining to changes in the Classification. At public meetings any person may participate by presenting views orally and/or in writing on any classification matter under consideration; however, facts, data or evidence relating to docketed proposals received less than thirty (30) days prior to the meeting will not be accepted or considered. Note-taking and/or sound recordings are permitted at these public meetings provided that the meeting is not disrupted by such activities.

Rule 6. Disposition of Proposals

(a) Disposition of docketed proposals shall be made by the 120th day after docketing, unless reconsideration by the full Committee is requested of a Committee or Classification Panel decision by all parties to that classification proposal.

(b) In disposing of a docketed proposal, the Committee or a Classification Panel may modify the proposal, but it may not broaden the scope of the proposal as shown in the Docket Bulletin.

(c) Members may not discuss or vote on provisions governed by Section 14706 (c)(1)(C) of Title 49 of the United States Code.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE IV – RULES OF PROCEDURE FOR CHANGES IN THE NATIONAL MOTOR FREIGHT CLASSIFICATION

Rule 7. Changes Without Docketing

Changes in the Classification made necessary by law or by order of a regulatory body or for clarification, may be made without docketing or observance of the procedures herein. Notice of such changes shall be provided in the Docket Bulletin and posted on the National Motor Freight Traffic Association's website.

Rule 8. Notice and Publication

(a) Notice of Committee and Classification Panel dispositions of docketed proposals shall be provided by mail, e-mail or facsimile to the proponents, parties of record, members of the Committee, subscribers to the Docket Bulletin and any parties that have submitted written requests for such notice. Information on all classification actions will be posted on the National Motor Freight Traffic Association's website.

(b) The Secretary of the Committee shall instruct the Publishing Agent of the Classification of changes to be made in the Classification in accordance with the disposition of proposals.

Rule 9. Independent Action

(a) The Committee may not interfere with a carrier's free and unrestrained right of independent action.

(b) Proposals for independent action will not be discussed by the Committee or by any Classification Panel. Any expert analysis or technical assistance provided by employees or employee committees concerning any independent action proposal shall be kept confidential.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Should any party disagree with the disposition of a docketed proposal by the Committee or a Classification Panel, arbitration may be sought by that party subject to the following rules of procedure.

Rule 1. Request for Arbitration

The party seeking relief shall be referred to as the claimant and the National Classification Committee (Committee) shall be referred to as the respondent. Within thirty (30) days of a classification decision by the Committee or a Classification Panel, claimant(s) shall notify the Secretary of the Committee by mail, telephone, e-mail or facsimile that arbitration is requested of the Committee or Classification Panel action on the docketed proposal.

Rule 2. Selection of Arbitrator

(a) The Secretary of the Committee shall post on the National Motor Freight Traffic Association's website a list of not less than ten (10) neutral arbitrators selected by an independent arbitration association. If a person does not have Internet capability, upon notice by that party that it wishes to seek arbitration, the Secretary, within two (2) business days after that notice, will provide the list of not less than ten (10) neutral arbitrators by express mail, e-mail or facsimile. The claimant(s) and the Secretary of the Committee shall confer by telephone, e-mail or facsimile within three (3) business days after the list of neutral arbitrators has been received by the claimant(s) or was available to the claimant(s) on the National Motor Freight Traffic Association's website to mutually agree to a neutral arbitrator. If the claimant(s) and the Secretary select different neutral arbitrators, and cannot agree on a single neutral arbitrator, they will so notify the arbitration association, and the two selected arbitrators will choose the arbitrator to handle the matter from the remaining arbitrators on the list who were not selected. The arbitration association shall be notified by telephone, e-mail or facsimile of the selection of the neutral arbitrator, and the arbitration association shall determine whether the selected neutral arbitrator has a conflict of

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Rule 2. Selection of Arbitrator - concluded

interest. The claimant(s) and the Secretary of the Committee shall be notified promptly of the results of that inquiry. If the neutral arbitrator selected has a conflict of interest, the two originally selected arbitrators will choose another neutral arbitrator until no conflict of interest exists.

(b) The list of neutral arbitrators will be utilized unless, within seven (7) business days after notice of arbitration is provided by a claimant, the parties mutually agree to utilize a neutral arbitrator not identified on the list.

Rule 3. Commencing The Arbitration Process

Prior to the commencement of the review by the neutral arbitrator, claimant(s) and the Committee will be required to execute an arbitration agreement. Upon receipt of the signed arbitration agreement, the arbitration association shall direct the selected neutral arbitrator to commence the proceeding. The claimant(s) and the Committee will share equally in the fees charged for the arbitration process by the arbitration association, except that each will bear their own legal or representation fees and administrative costs.

Rule 4. Transmittal of Public Record

Within one (1) business day after the notice of the selection of a neutral arbitrator, the Secretary of the Committee shall forward by express mail a complete copy of the public record developed during the course of the handling of the docketed proposal before the Committee or a Classification Panel to the arbitrator, and concurrently, a copy (copies) by express mail to the claimant(s).

Rule 5. Parties' Statements of Position

Within seven (7) business days after the notice of the selection of a neutral arbitrator, the claimant(s) may submit to the arbitrator a statement of position as to why the initial classification action

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Rule 5. Parties' Statements of Position - concluded

by the Committee or a Classification Panel is not in conformity with established classification standards. A copy of the statement shall be provided by express mail, e-mail or facsimile to the Secretary of the Committee. Within ten (10) business days after the receipt of claimant's(s') statement(s) the Committee may submit a response by express mail, e-mail or facsimile to the arbitrator, and send a copy by express mail, e-mail or facsimile to the claimant(s). At the arbitrator's discretion, rebuttal statement(s) may be submitted by the claimant(s) by express mail, e-mail or facsimile within five (5) business days after receipt of the Committee's reply. A copy of the rebuttal(s) must be served contemporaneously by express mail, e-mail or facsimile on the Secretary of the Committee.

Rule 6. Decision of Arbitrator

Within thirty (30) days after the receipt of the parties' statements of position, the arbitrator shall issue a written decision determining whether or not to affirm the challenged classification action. The arbitrator's decision will consider statements on appeal submitted by the parties, but such statements must not include inappropriate evidence and issues and must not seek or constitute a de novo review. The arbitrator's conclusions shall be governed by the established regulatory and legal standards and precedent for evaluating the reasonableness of classification provisions. The reasonableness of the class(es) proposed for any commodity shall be determined exclusively by comparison of that commodity's four recognized transportation characteristics (density, stowability, handling and liability, as defined by the Interstate Commerce Commission in Ex Parte No. MC-98 (Sub-No. 1), Investigation Into Motor Carrier Classification, 367 I.C.C. 243 (1983) and related cases) with the transportation characteristics of other commodities that are assigned a comparable class(es). The decision will set forth the essential reasoning that was relied upon in reaching these conclusions. The arbitrator's decision shall be final, subject only to

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Rule 6. Decision of Arbitrator - concluded

review through the filing of a complaint with the Surface Transportation Board. The Committee may publish any classification action found reasonable by the arbitrator to become effective not less than fifteen (15) days after the arbitrator publishes his or her decision.

Rule 7. Challenge of Classification Decision If Arbitration Is Not Sought

If arbitration is not sought within thirty (30) days after the classification decision on a proposal is made by the Committee or a Classification Panel, the approved changes may be published to take effect on not less than fifteen (15) days' notice. Should the classification change be protested before the scheduled effective date, in accord with the Surface Transportation Board's procedures, the protest and any reply by the Committee shall be based on the public record upon which the Committee's or Classification Panel's action was based, unless the party(ies) protesting the classification action establishes that the Committee failed to give notice of the docketed proposal as required by its approved classification procedures.

Rule 8. Challenge of the Arbitrator's Decision

If a classification decision by the Committee or a Classification Panel is the subject of an arbitration proceeding, the classification decision, if affirmed by the arbitrator, may not be protested to the Surface Transportation Board but must be challenged only through the filing of a complaint with the Surface Transportation Board.

Rule 9. Alternative to Arbitration

If all of the parties objecting to an initial classification decision by the Committee or a Classification Panel agree to seek reconsideration of the classification action by the full Committee, that request must be made within thirty (30) days of the initial classification decision to the Secretary of the Committee by mail, e-mail or facsimile. A majority of the Committee present shall decide whether the reconsidered classification decision shall be approved or disapproved. The reconsideration process may

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE V – ARBITRATION

Rule 9. Alternative to Arbitration - concluded

require that final disposition of the classification proposal extend beyond the 120th day after docketing. After reconsideration, dissatisfied persons may file petitions for suspension of the reconsidered classification proposal with the Surface Transportation Board.

ARTICLE VI - AMENDMENTS

Section 1. Committee Action

This Agreement may be amended or revised at any regular or special meeting of the Committee by a two-thirds majority vote of the members present, a quorum being present and voting, provided that thirty (30) days' notice in writing of the proposed amendment shall have been provided by mail, e-mail or facsimile to all members of the Committee. Such notice shall set forth the exact language of the proposed amendment, but the Committee shall be empowered to change or modify such language so long as the amendment as finally adopted is within the scope and purpose of the proposed amendment of which notice was given.

Section 2. Referendum

Any three members of the Committee or any group of twenty-five or more parties to this Agreement by writing addressed to the Secretary within forty (40) days after the date of such amendment may request the Secretary to submit such amendments to a referendum mail vote to all persons then parties to this Agreement. Upon this demand being made, the Secretary shall submit such amendment to such referendum within thirty (30) days after such request and call for written and signed ballots with respect thereto to be filed with the Secretary within fifteen (15) days thereafter. Such amendment shall be deemed to be disapproved and shall be of no force or effect, if upon such referendum a majority of the then parties to this Agreement shall vote that such amendment be disapproved or rejected.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

ARTICLE VI - AMENDMENTS

Section 3. Effective Date

No amendments to this Agreement shall become effective until submitted to, and approved by, the Surface Transportation Board.

Section 4. Force and Effect

An amendment adopted and approved as herein provided unless subsequently disapproved by referendum shall become a part of this Agreement with like force and effect as if it had been originally incorporated herein and shall be binding upon all parties to this Agreement.

ARTICLE VII - TERMS AND PARTIES

Section 1. Duration

The term of this Agreement shall be for a period of one (1) year and thereafter until terminated, as it may be at any regular or special meeting of the Committee by a two-thirds vote of the members of the Committee present and voting, or by a majority of the entire Committee, provided written notice of such proposed termination shall have been mailed to all members of the Committee at least thirty (30) days prior to the meeting at which the same is to be considered.

Section 2. Voluntary Withdrawal

Any party to this Agreement may withdraw therefrom upon not less than sixty (60) days' notice in writing to the Secretary of the Committee.

Section 3. Involuntary Withdrawal

Any party to this Agreement who for any reason whatsoever shall cease to be a motor carrier of property or a participant in the Classification shall cease to be a party hereto upon the date of such cessation.

Section 4. Readmission

Any party to this Agreement who has withdrawn voluntarily or involuntarily may again become a party hereto by making a request in writing, provided such party is, upon the date of such request, a motor carrier of property and a participant in the Classification.

NATIONAL MOTOR FREIGHT CLASSIFICATION AGREEMENT

IN TESTIMONY WHEREOF, the parties hereto have set their hands and seals as of this

..... day of, 20

Carrier.....

By

Title

Date

Trade Name (if any)

Business Address (Main Office)

Number Street

City County State Zip Code

Type of Organization.....

..... (Individual, partnership or corporation)

If a corporation:

State in which organized

Date of incorporation.....

If a partnership:

Date of formation of partnership

Names of all partners.....

Type of carrier

Certificates: MC No. US DOT No.....