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BEFORE THE
SURFACE TRANSPORTATION BOARD



Sec. 5a Application No. 61 (Sub-No. 6),
NATIONAL CLASSIFICATION COMMITTEE - AGREEMENT

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NATIONAL CLASSIFICATION COMMITTEE - AGREEMENT

COMMENTS ON NATIONAL CLASSIFICATION COMMITTEE'S
PROPOSED MODIFICATIONS TO ITS SECTION 5a
AGREEMENT NO. 61

ENTERED
Office of the Secretary
MAY 24 2002
Part of
Public Record

Raynard F. Bohman Jr.
President
Bohman Industrial Traffic Consultants, Inc.
P.O. Box 889
Gardner, MA 01440

Dated: May 17, 2002
Due: May 20, 2002

Before the
SURFACE TRANSPORTATION BOARD

Section 5a Application No. 61 (Sub-No. 6)
NATIONAL CLASSIFICATION COMMITTEE - AGREEMENT

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Bohman Industrial Traffic Consultants, Inc., a freight transportation consulting firm representing national trade associations since 1943, through its president, Raynard F. Bohman Jr., respectfully submits the following comments in this proceeding:

With the exception of proposed Article V - ARBITRATION, we fully support all of the other proposed changes to the National Classification Committee's presently approved Section 5a Agreement.

Proposed Article V would enable any party in disagreement with the disposition of a docketed proposal by the Committee or a Classification Panel to be submitted for resolution to a neutral arbitrator, selected by mutual agreement.

As proposed, any Committee or Panel's classification decision, if affirmed by an arbitrator, could not be protested to the Surface Transportation Board but could be challenged only through the filing of a complaint with the Board, with the burden shifting to the complainant.

For years, classification decisions made by NCC Classification Panels have been subject to appeals to the full National Classification Committee by dissatisfied parties of record (or a minimum number of NCC members or carriers participating in the National Motor Freight Classification). Further, parties dissatisfied with decisions made by the full NCC have been able to protest such NCC decisions to the Surface Transportation Board through timely petitions for suspension. Now, to retain its antitrust immunity, the present appellate process would have to be dismantled - a process that has worked well over the years.

Yes, the majority of appeals of Classification Panel decisions to the full Committee have upheld by the Committee; however, a number of appeals have either modified Panel decisions or disapproved them. As examples, see Appeal 1055 - Subject 16 of NCC Docket 971; Appeal 1056 - Subject 12 of NCC Docket 971; Appeal 1067 - Subject 15 of NCC Docket 992; Appeal 940 - Subject 5 of Docket 869, and Appeal 1064 - Subject 10 of Docket 985.

It is highly unlikely that those appeals would have been resolved in the manner in which they were had the Panel decisions been subject only to arbitration.

So here we are, on the threshold of going forward with an entirely new, untried method of resolving disputed classification decisions.

At this juncture, we are suggesting, for a trial period - possibly for as short a span as three years - that two methods of resolving classification decisions to which parties are not satisfied be offered - either arbitration by a neutral arbitrator or an appeal to the full National Classification Committee as is now permitted. Dissatisfied parties would be able to choose but one method for resolving a classification decision.

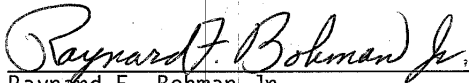
During that trial period, the STB would be able to closely monitor how the alternative resolution process is working; whether one method may be far superior to the other.

There is ample precedent for an alternative process. In loss and damage claim disputes, dissatisfied claimants have the option of going either to arbitration (such as before the Transportation Arbitration Board, provided of course the carrier is agreeable to going to arbitration) or filing suit in a civil court.

CONCLUSION

We strongly urge the Board to adopt this alternative resolution plan. The public interest, in the long run, will best be served by giving aggrieved shippers a resolution process they feel is the fairest to them. The continuation of appeals to the NCC will not be a burden to anyone and will provide a needed choice.

Respectfully submitted,



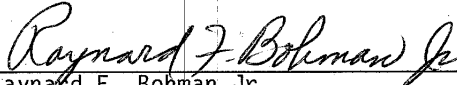
Raynard F. Bohman Jr.
President
Bohman Industrial Traffic Consultants, Inc.
P.O. Box 889
Gardner, MA 01440

Dated: May 17, 2002

Due: May 20, 2002

CERTIFICATE OF SERVICE

I hereby certify that I have this 17th day of May, 2002, served a complete and correct copy of the foregoing document upon all parties of record in this proceeding by first class mail, properly addressed and with postage prepaid.



Raynard F. Bohman Jr.