

BEFORE THE
SURFACE TRANSPORTATION BOARD

ORIGINAL

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



REPLY OF
INTERSTATE DISPUTE RESOLUTION, LLC

to

COMMENTS REGARDING PROPOSED MODIFICATIONS
OF THE
NATIONAL CLASSIFICATION COMMITTEE
SECTION 5a AGREEMENT NO.61

ENTERED
Office of the Secretary
JUN 14 2002
Part of
Public Record

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Company*

DUE AND DATED: June 13, 2002

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

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**COMMENTS REGARDING PROPOSED MODIFICATIONS OF THE
NATIONAL CLASSIFICATION COMMITTEE
SECTION 5a AGREEMENT NO.61**

Interstate Dispute Resolution, LLC ("IDR") hereby files its Reply to the comments on the proposed modifications of the National Classification Committee's (NCC's) Section 5a Agreement No. 61, that have been submitted to the Board by Bohman Industrial Traffic Consultants, Inc.; the Halogenated Solvents Industry Alliance, Inc.; the National Industrial Transportation League, jointly by the National Small Shipments Traffic Conference, Inc., and the Health and Personal Care Logistics Conference, Inc. and by the Transportation Consumer Protection Council, Inc. The proposed modifications to the NCC's Section 5a Agreement were submitted in response to the decision of the Surface Transportation Board, served in the instant proceeding November 20, 2001, ("2001 Decision".)

Interstate Dispute Resolution, LLC ("IDR") has submitted these comments only to explain the validity of its program and procedures for the resolution of classification disputes. It takes no position and chooses not to comment with regard to other matters at issue in this complex proceeding instituted to consider the classification making procedures of the NCC. IDR has become involved as a result of a request by the National Motor Freight Traffic Association (NMFTA) and the NCC to construct a fair and inexpensive dispute resolution process to comply

with the Board's ordered changes to the NCC's Agreement. IDR was contacted in its capacity as a transportation dispute resolution company that is comprised of transportation experts. Since 1997, IDR has been functioning as a provider of neutral services to promote the resolution of transportation disputes. Reese Taylor is one of the Directors and is a neutral for the company.

In performing its functions, IDR has assembled a group of ten transportation experts with impeccable credentials¹ to adjudicate classification disputes and develop procedures that are fair, impartial, and inexpensive. In each classification proceeding conducted by IDR, the interests of the involved parties would be evaluated initially and IDR would advise the NCC if any neutrals need to be excluded from the nominated Panel in view of a conflict. The procedures that are described in Article V of the proposed amendments to the National Motor Freight Classification Agreement reflects the program that IDR has developed.

Under the proposed arbitration process, within two business days after receiving a request for arbitration of a classification action, the NCC would offer its entire Panel of Neutrals to the claimants - with the exception of neutrals who are determined to have a conflict of interest due to the identities of the parties involved in the dispute.² Within three days after the list of neutral arbitrator's has been received, the claimant(s) and the NCC would confer in an effort to mutually agree on a neutral arbitrator. If they are unable to select a single neutral arbitrator, the parties on each side of the dispute would select one of the IDR neutrals and the two IDR neutrals that have been selected by the parties would select a third IDR neutral free of charge. If these two neutrals cannot agree on a single arbitrator they will each select a neutral to act as their replacement in agreeing on an arbitrator. This process will continue until a third neutral arbitrator with no conflicts of interest is agreed upon to arbitrate the dispute.

¹ IDR Classification Dispute Resolution Panelists are: Dan O'Neill, Sehrt-Green, Frank J. Weiner, Fritz Kahn, Janice Rosenak, John H. Kirkemo, Kenneth Siegel, Mary Kay Reynolds, Miles L. Kavaller and Reese H. Taylor, Jr.

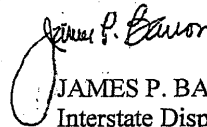
² IDR is looking toward the expansion of its Freight Classification Dispute Resolution Neutral Panel and has offered to consider qualified nominees to be added to this Panel.

Prior to the commencement of review by the neutral arbitrator, the involved parties would sign an arbitration agreement. Then each party would have the opportunity to file a position statement explaining why the initial classification action by the Committee or a Classification Panel ^{was or was (JPB)} is not reasonable. In resolving the dispute, the arbitrator would rely on these statements as well as the facts provided in the public record developed during the course of the handling of the docketed proposal. The arbitrator's conclusion would be governed by established legal and regulatory standards.

These procedures, as outlined herein and as further described in Article V of the NCC's proposed amended Agreement, conform to established and well recognized practices for dispute resolution. If the STB determines that this program is acceptable for use in resolving Classification disputes, IDR would convene a Classification dispute resolution training program in Washington, D.C. for its neutrals and for interested parties.

IDR respectfully suggest that is capable of providing neutral arbitration services for the freight Classification arbitration process that the STB has mandated in its 2001 Decision and it would be happy to answer any inquiries with respect to its capabilities and its involvement in this dispute resolution program.

Respectfully submitted,

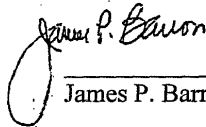


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Due and Dated: June 13, 2002

Certificate of Service

I hereby certify that I have this 13th day of June 2002, served a true and correct copy of the foregoing Response to Comments Regarding Proposed Modifications of Presently Approved National Classification Committee Section 5a Agreement No. 61, upon all parties of record identified in the Surface Transportation Board's service list dated April 20, 2000, properly addressed, by first class mail, and with postage prepaid.

James P. Barron