

BEFORE THE SURFACE TRANSPORTATION BOARD

SURFACE TRANSPORTATION BOARD DECISION

STB EX PARTE NO. 656

MOTOR CARRIER BUREAUS – PERIODIC REVIEW PROCEEDING

REQUEST FOR EXTENSION OF TIME

By decision served December 13, 2004, the Surface Transportation Board (STB) instituted the above-styled proceeding for review of motor carrier collective-activities agreements approved under 49 USC §13703. The Board requests comments from motor carrier bureaus that desire continued approval for their collective agreements. The Board also seeks comments regarding these agreements from any interested parties.

The filing schedule specified by the Board's decision provides for the bureaus and any interested party to submit opening comments by February 15, 2005. The National Motor Freight Traffic Association (NMFTA) and the National Classification Committee (NCC) respectfully request that the schedule for filing comments in this proceeding be extended by fifteen (15) days so that, as amended, the schedule would appear as follows:

	<u>Presently Scheduled Due Date</u>	<u>Proposed Due Date</u>
<u>Opening comments:</u>	February 15, 2005	March 2, 2005
<u>Reply comments:</u>	March 17, 2005	April 1, 2005
<u>Rebuttal comments:</u>	April 6, 2005	April 21, 2005

In support of this request NMFTA and NCC state the following:

The NCC's Section 5a Agreement is, of course, of the utmost importance to the NMFTA and the NCC inasmuch as it establishes the procedures that must be followed by our members as well as any party having an interest in making, supporting or opposing a change in the provisions of the National Motor Freight Classification (NMFC) and also requirements that the staff must meet in preparing the public docket and making the pertinent information available to the public. It is necessary that the comments filed by the NCC and NMFTA properly reflect the views of our members. This can happen only if NCC and NMFTA members have the opportunity for collegial consideration and discussion of the comments to be prepared and filed on their behalf in response to the STB's decision. As a practical matter and in view of the relatively short lead time that is now available, the first opportunity for the NMFTA Board and the carrier members of the NCC to have a collegial discussion and consideration of this vitally important matter would be during the next regularly scheduled meetings of the NCC and NMFTA. These meetings will be held on February 8th and 9th of 2005. The requested extension would provide a reasonable period beyond the meeting so that all matters may be fully considered by the affected parties prior to the preparation of representations reflecting their views.

The preparation and presentation of comments reflecting the NCC's and NMFTA's position in this proceeding is, of course, the function of NMFTA's staff and counsel. Unfortunately, due to a prior obligation that required him to be out of the country NMFTA's counsel, has not been available for consultation on this matter until well into January. Consequently, advance preparation that might otherwise have been

completed prior to the NMFTA/NCC meeting will have to wait until after the meeting. Additionally, immediately after the NMFTA/NCC's February meeting, the NCC's staff will be fully occupied in preparing the public docket for hearing by the NCC in May of 2005. The docket schedule, which is established by the NCC's Section 5a Agreement, provides for: a February 15, 2005, closing date, a February 25, 2005 printing date, and an issue date of March 3, 2005. The requested extension would allow the staff sufficient time after the NMFTA and NCC's meetings of February 8 and 9, 2005, to fulfill its legal obligations relative to the NCC's May 2005 hearing and also assist in the preparation of comments that would adequately represent the views expressed by the NMFTA and NCC members.

For the foregoing reasons, and in order to provide the time necessary for a full participation in this matter of vital importance to NMFTA and NCC, the STB is respectfully requested to extend the date for filing opening comments in the instant proceeding from February 15, 2005 to March 2, 2005 and to extend the other filing dates in this proceeding accordingly. It is submitted that no person would be prejudiced by granting the relief sought.

Respectfully submitted,

NATIONAL MOTOR FREIGHT TRAFFIC ASSOCIATION and the
NATIONAL CLASSIFICATION COMMITTEE
2200 Mill Road, Alexandria, Virginia 22314-4687

A handwritten signature in black ink, appearing to read "William W. Pugh", is written over a thin vertical red line.

William W. Pugh, Executive Director (NMFTA) and Secretary (NCC)

Dated: January 6, 2005

CERTIFICATE OF SERVICE

I certify that I have this day served copies of this document upon all persons listed on the service list in proceeding “Surface Transportation Board Decision – STB Ex Parte No. 656” by first class mail, postage pre-paid.

William W. Pugh

William W. Pugh

Executive Director, National Motor Freight Traffic Association, Inc.
Secretary, National Classification Committee
2200 Mill Road, Alexandria, Virginia 22314-4687
Telephone (703) 838-1825

January 6, 2005

Date