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Congress of the United States
House of Representatives
Washington, DC 20515-4803

March 23, 2006

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The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. EP-656-1

Dear Secretary Williams:

I last wrote to the Surface Transportation Board regarding the National Classification Committee Section 5a Agreement in December 2005 and, in light of new comments submitted to the Board, I again want to express my continued support for the renewal of the NCC Agreement.

I have provided comments to the STB on this matter for many years, drawing upon my experiences as both former Chairman and Ranking Member on the House Transportation Committee's Subcommittee on Surface Transportation, which has jurisdiction over legislative matters pertaining to the motor carrier industry and which handled the legislation ultimately enacted as the ICC Termination Act of 1995.

The ICC Termination Act of 1995 maintained antitrust immunity for agreements entered into by motor carriers for such activities as the establishment of through rates and joint rates, rates for the transportation of household goods, classifications, mileage guides, rules and divisions subject to the approval of any such agreements by the STB. In terminating the Interstate Commerce Commission, the 1995 Act preserved what was deemed to be its essential functions.

In crafting the 1995 Act, we sought to maintain the public interest by preserving certain regulatory functions and practices such as antitrust immunity for commodity classifications. In fact, provisions for this practice were included in every draft of the legislation from introduction, through the Committee process, House floor proceedings and the Conference Report.

In my view, the grant of antitrust immunity for these motor carrier activities has well served both the industry and the general public. The efficient operation of the motor carrier industry, and its ability to serve both shippers and consumers alike, depends on the continuation of commodity classifications.

I support the renewal of the NCC Agreement as it clearly is in the public interest.

To conclude, I am troubled about the continued opening of this proceeding without a readily apparent reason and wonder whether this comports with the Administrative Procedure Act. In crafting the underlying statutes, Congress never envisioned that proceedings at the STB would continue ad infinitum, leaving those subject to the proceedings in an indeterminate state. Fairness dictates a better, more defined process.

With warm regard, I am

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Rahall", with a long, sweeping horizontal line extending from the start of the signature.

NICK J. RAHALL, II
Member of Congress

NJR/slb

cc: The Honorable Danny K. Davis
The Honorable Charles W. Dent
The Honorable Rahm Emanuel
The Honorable Paul E. Gillmor
The Honorable Ralph M. Hall
Mr. Butch Brown
Mr. Ken Burroughs
Mr. Gene Foley
Mr. Charlie Jackson
Mr. Tony Poat
Mr. Bill Pugh
Mr. Vern Schrof