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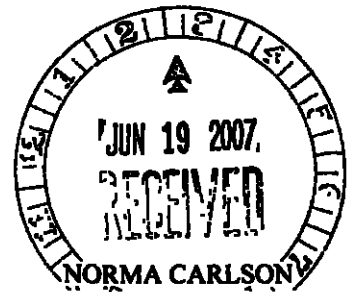
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219583

June 20, 2007

Vernon A. Williams  
Secretary  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

ENTERED  
Office of Proceedings

JUN 19 2007

Part of  
Public Record

RE: STB Ex Parte No. 656  
Motor Carrier Bureau-Periodic Review Proceeding

Section 5a Application No. 58 (Sub-No.4)  
Machinery Haulers Association, Inc.

Section 5a Application No. 63 (Sub-No.4)  
Nationwide Bulk Trucking Association

Dear Secretary Williams:

Enclosed for filing in the above-styled consolidated proceedings are the original and ten copies of the joint Petition for Extension of Effective Date Embracing Request for Expedited Action of the Machinery Haulers Association and the National Bulk Trucking Association.

An additional copy of the pleading is enclosed which it is requested be date-stamped or receipt otherwise acknowledged and returned to me. A stamped, self-addressed envelope is enclosed for that purpose.

Thank you for your assistance in this matter.

Respectfully submitted,

  
James C. Hardman



**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB EX PARTE NO 656  
MOTOR CARRIER BUREAU  
PERIODIC REVIEW PROCEEDING**

**I**

**JOINT PETITION OF  
THE MACHINERY HAULERS ASSOCIATION  
AND  
THE NATIONWIDE BULK TRUCKING ASSOCIATION  
FOR MODIFICATION OF EFFECTIVE DATE**

**ENTERED  
Office of Proceedings**

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**James C Hardman  
LAW OFFICES OF JAMES C HARDMAN  
753 Carla Ln  
Little Canada, MN 55109-1925  
(651) 483-5560**

**Their Legal Counsel**

**Dated June 20\_\_, 2007**

**ENTERED  
Office of Proceedings**

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**STB EX PARTE NO 656  
MOTOR CARRIER BUREAU  
PERIODIC REVIEW PROCEEDING**



**JOINT PETITION OF  
THE MACHINERY HAULERS ASSOCIATION  
AND  
THE NATIONWIDE BULK TRUCKING ASSOCIATION  
FOR MODIFICATION OF EFFECTIVE DATE**

The Machinery Haulers Association ["MHA"] and The Nationwide Bulk Trucking Association ["NBTA"], which may hereafter jointly be referred to as "Petitioners", petition the Surface Transportation Board ["STB"] to modify and extend the September 4, 2007 effective date of the Board's decision served in this Proceeding on May 7, 2007 <sup>1/</sup>

While neither Petitioner is of the size entities which has already filed for a modification of effective date, the MHA and NBTA have fashioned their operations over a substantial period of time under the Board's approval of Section 5 a Agreements and the import of the Board's most recent decision will have an obvious and material affect on the Associations' future operations, if not their survival

Each Petitioner, in conjunction with its individual members, has to examine their personal and joint interests. It is also thought to be prudent, if not necessary, to review the import of the Board's decision with shippers who will be affected by it. When these investigations are completed, a major decision will have to be made as to the legal issue involved in operating

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<sup>1/</sup> The master decision included docket of MHA, Machinery Haulers Association, Inc – Agreement, STB Section 5 a Application No 58 (Sub-No 4) and the docket of NBTA, Nationwide Bulk Trucking Association, Inc – Agreement, STB 5 a, Application No 63 (Sub No 4)

without anti-trust immunity and, if so, whether a feasible reorganization can exist and logically be made

While September 4, 2007 on its face may appear to be a reasonable effective time period because of the more common “thirty” day periods in administrative proceedings, it is suggested that with the problems the Petitioners, as the smallest entities involved, foresee as probable, the Petitioners can understand why the Southern Motor Carrier Rate Conference, as an example, has requested an extension to September 4, 2008 and we support their petition

Petitioners, because of their size, do not anticipate that the review and thorough investigation it feels necessary to take in response to the decision will consume as much time as the cited conference, it is felt that any modification of the effective date granted should be common to all joined parties

Also, it is felt that “reasonableness” in terms of compliance also involves giving Petitioners the opportunity after the type of investigation noted above, an opportunity to seek a Business Review Letter from the Department of Justice, if appropriate, and the procedural and the normal time period requirements of seeking such a letter portend that the September 4, 2007 date is not realistic

While NASSTRAC, Inc in its “Opposition To Southern Motor Carrier Rate Conference, Inc Request For Extension of Effective Date” argues that other entities not involved in this Ex Parte proceeding had sought such letters while not having anti-trust immunity and that SMC could do likewise, it is felt that there is a significant difference in the cases of SMC and the Petitioners

Reference is made at page 7 of the cited NASSTRAC, Inc pleading dated May 31, 2007 to the American Trucking Associations [“ATA”] To Counsel’s and Petitioners’ knowledge, the

last two Business Review Letters sought and secured by the ATA involved "Model Contracts" The requests for Business Review Letters were not made until the ATA was satisfied that the documents and their use would not involve anti-trust violations. The ATA did not have a third party fixed a submittal date to meet and it is felt that this is probably true of most, if not all, Requests for a Business Letter The typical requestor submits the request when and after the assimilation the information and research on which the request will be predicated.

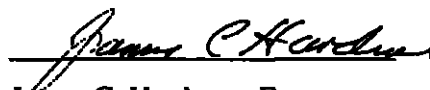
It is submitted that the necessity to review, rethink, and reorganize operations properly conducted for a substantial number of years presents a significantly different issue compared to that in the ATA's situation.

The Petitioners are unaware of any shippers which have raised any concern about their past action under the Exemption and could not or would not be able to protect their interest in any intervening period through individual steps.

#### CONCLUSION

WHEREFORE, it is requested that the effective date of the Ex Parte No. 656 be extended to a common date consistent with the needs established by the joined parties on until September 4, 2008

Respectfully submitted,

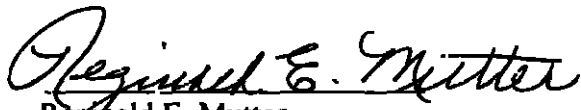


James C. Hardman, Esq  
Petitioners' Counsel  
753 Carla Ln.  
Little Canada, MN 55109-1925  
(651) 483-5560

Dated: June 20, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Joint Petition of the Machinery Haulers Association and the National Bulk Trucking Association Petition For Modification of Effective Date has been served on all parties of record by first class mail, postage prepaid, on June 20, 2007

A handwritten signature in cursive script that reads "Reginald E. Mutter".

Reginald E. Mutter

On behalf of the Law Offices of James C. Hardman

7437 Timothy's Way  
Easton, MD 21601  
(410) 820-7844

Dated June 20, 2007