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# National Motor Freight Classification Procedures

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Effective December 6, 2007



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## **PREAMBLE — PURPOSE AND SCOPE**

These procedures (“Procedures”) pertain to the investigation, initiation, consideration and handling of matters related to maintenance of the National Motor Freight Classification (hereinafter called the NMFC) and describe the organization and responsibilities of the Commodity Classification Standards Board (hereinafter called the CCSB).

## **PART I — COMMODITY CLASSIFICATION STANDARDS BOARD — ORGANIZATION AND RESPONSIBILITIES**

### **Section 1. Organization**

- a) The CCSB is an autonomous board, which shall be composed of not less than three (3) and not more than seven (7) full-time employees of the National Motor Freight Traffic Association, Inc. (hereinafter called NMFTA), one of whom shall be Chairman.
- b) The Chairman of the CCSB shall be appointed by the Executive Director of NMFTA.
- c) The members of the CCSB shall be appointed by the Executive Director of NMFTA in consultation with the Chairman of the CCSB.
- d) The Chairman of the CCSB may appoint such committees or working groups as are required to conduct the work of the CCSB.

### **Section 2. Responsibilities**

The CCSB shall be responsible for:

- a) investigating, initiating, considering and acting on matters affecting the provisions of the NMFC, including: proposals for amending the classification of commodities; commodity descriptions; classes; rules; packaging definitions, specifications or requirements; bill of lading formats, terms and conditions; and any other provisions contained in the NMFC;
- b) directing and monitoring NMFTA staff in its performance of analytical and support services relating to the NMFC;
- c) reviewing and revising these Procedures as necessary;
- d) reviewing and revising the CCSB’s Policies and Guidelines as necessary;
- e) upon request, providing assistance to, and/or making NMFTA staff available to provide assistance to, carriers and shippers in making appropriate proposals for amending the NMFC;
- f) upon request, and on a direct-cost reimbursement basis, assisting and/or making NMFTA staff available to assist shippers in conducting research on matters relating to the NMFC, and when the research reveals that an amendment to the NMFC might be warranted, initiating, considering and acting on proposals for amending the NMFC; and
- g) instructing the Publishing Agent of the NMFC as to any amendments to the NMFC that result from the implementation of these Procedures.

## PART II — RULES OF PROCEDURE FOR AMENDING THE PROVISIONS OF THE NATIONAL MOTOR FREIGHT CLASSIFICATION

### ARTICLE I — PROCEDURES OF THE CCSB

#### Rule 1. Proposal Forms

The CCSB shall provide a suitable form(s) for the submission of proposals for amending the provisions of the NMFC.

#### Rule 2. Proposals

- a) Proposals for amending the NMFC may be filed by any person, firm, corporation or group having an interest in the contents of the NMFC.
- b) CCSB Proposals
  1. Any potential proposal (pre-proposal) by the CCSB will be posted on NMFTA's website for public comment for not less than thirty (30) days. During this period, any interested person may submit comments and those comments will be posted on the website for public review. The source of the comment will be identified only as "shipper/receiver," "carrier," or the like.
  2. Not less than fifteen (15) days' notice will be given on the NMFTA's website before the comment period on any pre-proposal is closed.
  3. At the close of the comment period, the Chairman of the CCSB will decide to conduct further research, to docket the pre-proposal, or to take no further action.
  4. Notice of the Chairman of the CCSB's decisions on pre-proposals shall be provided by mail, email or facsimile to all commenters, subscribers to the Docket Bulletin, and any parties that have submitted written requests for such notice and posted on NMFTA's website.
- c) All Other Proposals
  1. Shall be submitted in writing to the Chairman of the CCSB.
  2. The CCSB will provide assistance in preparing such proposals, as may be requested.
- d) Each proposal shall be docketed, and the Chairman of the CCSB shall place proposals on the first available docket for public hearing.
- e) Upon request, the name(s) of the proponent(s) of a proposal shall be promptly divulged to any interested person.

### Rule 3. Docket Bulletins and Individual Notice

- a) Not less than sixty (60) days prior to a public meeting of the CCSB, the CCSB shall:
  1. publish a Docket Bulletin describing the proposals that will be considered at that meeting;
  2. post the Docket Bulletin on the NMFTA's website; and
  3. mail, email or fax the Docket Bulletin to proponents of the proposals that will be considered at the meeting and to all subscribers to the Docket Bulletin. (Anyone may subscribe to the Docket Bulletin through NMFTA's website and by paying an annual subscription fee.)
- b) The Docket Bulletin shall specify the time, date and place of the meeting, and shall contain the full text of each proposal along with the relevant CCSB report (analysis), or a summary thereof, and specify how to contact the staff member assigned to the proposal, how to contact the proponent(s) of the proposal and how to obtain the raw data and any other information in the CCSB's public docket file.
- c) The CCSB shall contemporaneously mail, email or fax individual notice to all shippers that participated in any research activities leading to docketed proposals. Individual notice shall likewise be provided to all trade and professional associations that have been identified by the CCSB as representing shippers of the involved product(s). Individual notice shall specify the time, date and place of the meeting, NMFTA's website address for online access to the Docket Bulletin and instructions for obtaining access to the CCSB's public files.
- d) The CCSB, without request and free of charge, shall provide copies of any reports (analyses) it has prepared concerning a docketed proposal to any party that has participated in the corresponding research study.

### Rule 4. Parties of Record

Any person may become a party of record to a docketed proposal by communicating an interest in writing by mail, email or facsimile to the Chairman of the CCSB prior to the public meeting at which the proposal will be considered. The proponent(s) of a proposal, anyone who has submitted a written statement prior to the meeting, or anyone who attends the meeting in connection with the proposal will be registered as a party of record to that proposal.

### Rule 5. Public Docket Files

- a) Copies of all reports, analyses, studies, work papers, supporting raw data and other information in the CCSB's possession relating to a docketed proposal, along with the full text of the proposal, shall be made available in a public docket file. The public docket file will not name the entity that provided the raw data. The source of the raw data will be identified as "shipper/receiver," "carrier," or the like.

- b) The CCSB will post the public docket files on NMFTA's website, organized by docket and subject numbers, each file including an index of documents. Online access to the files will be without charge.
- c) Any interested person may also obtain the CCSB's public file on any docketed proposal by submitting a request in writing by mail, email or facsimile to the CCSB. The request must specify the docket and subject numbers, the material(s) sought, and whether the material(s) is to be furnished by mail or email or made available for courier pickup. The material(s) will be mailed, emailed or made available for courier pickup no later than two (2) business days after the request is received. If the request is received before the docket record is closed, the material(s) will be furnished as of the date the request is received. After the docket record is closed, any material(s) added to the public file subsequent to the date of the request will be furnished, as per the requesting party's instructions, within two (2) business days. A reasonable charge will be assessed for these services.
- d) The CCSB's public docket files will be retained for a period of at least five (5) years. Public files posted on NMFTA's website will be retained there until final disposition, including any arbitration proceeding.

#### **Rule 6. Public Meetings and Conduct of Business**

- a) Meetings open to the public shall be conducted by the CCSB on all docketed proposals. The meetings shall provide an interactive forum where interested persons can exchange information, ideas and opinions on any issue or topic relating to the NMFC. Such meetings shall be held at least three (3) times per year.
- b) At all meetings the presence of not less than 60% of the membership of the CCSB shall be necessary to transact business. Meetings shall be governed by Robert's Rules of Order. Formal minutes of all meetings and a record of the maker and seconder of every motion respecting a docketed proposal and the vote of all members thereon shall be maintained.
- c) Any person may participate at public meetings by presenting views orally and/or in writing on any proposal under consideration; however, facts, data or evidence received less than ten (10) days prior to the meeting will not be accepted or considered. The Chairman of the CCSB shall schedule a reasonable amount of time for an appearance before the CCSB.
- d) Note-taking and/or sound recordings are permitted at these public meetings provided that the meeting is not disrupted by such activities.

#### **Rule 7. Disposition of Proposals**

- a) In considering a docketed proposal, the CCSB will be guided exclusively by:
  - 1. the public record consisting of all material in the public docket file that has been established by the process set forth in these Procedures;
  - 2. the applicable regulatory and legal standards and precedent establishing the reasonableness of classification provisions;

3. relevant CCSB and arbitral precedent;
4. principles of procedural fairness as set forth herein and the arguments of the parties based on the public file; and
5. the CCSB's Policies and Directives of record contained in the public file. When evaluating commodities in connection with the assignment of classes, the CCSB must consider the four transportation characteristics of density, stowability, handling and liability.
  - i. Density – It has been well established that, absent any unusual or significant stowability, handling or liability characteristics, density is of prime importance in the assignment of classes. The CCSB has developed density guidelines that are used in the assignment of classes.

Commodities or commodity groups exhibiting a wide density range not accurately reflected by a single overall average density may be assigned density-based classes.

- ii. Stowability – In evaluating the classification of a particular commodity or commodity group, the CCSB must examine stowability and its impact on the transportability of the involved commodities. Unusual or significant stowability considerations may warrant deviation from the CCSB's density guidelines.
- iii. Handling – In evaluating the classification of a particular commodity or commodity group, the CCSB must consider ease or difficulty of handling and the impact of such on the transportability of the involved commodities. Unusual or significant handling characteristics may warrant deviation from the CCSB's density guidelines.
- iv. Liability – The liability characteristic includes susceptibility to theft, liability to damage, propensity to damage other freight with which transported, perishability, propensity to spontaneous combustion or explosion, and value per pound. Value per pound provides a measure of carriers' potential liability, and the CCSB has established value guidelines to assist in the assignment of classes. Unlike density, however, value per pound is not in and of itself a transportation characteristic. It is only one component of the liability characteristic, and accordingly, information relating to value per pound must be analyzed in conjunction with an analysis of the other liability elements. Where the other liability elements are found to present no substantial problems or concerns, value per pound is of less significance. As with stowability and handling, where unusual or significant liability characteristics are revealed, the CCSB may deviate from the density guidelines.

The CCSB's Policies and Directives are included in their entirety in the Appendix to these Procedures.

- b) In acting on a docketed proposal, the CCSB may:
  - 1. approve the proposal as docketed;
  - 2. disapprove the proposal as docketed;
  - 3. modify and approve the proposal; or
  - 4. at its discretion defer disposition to its next meeting.
- c) In modifying a docketed proposal, the CCSB may not broaden the scope of the proposal as shown in the Docket Bulletin. Any action that would go beyond the scope of the docketed proposal would require the docketing of a new proposal.
- d) A majority vote of the CCSB members present at the meeting shall govern its action and upon request, a tally of the votes cast will be promptly divulged.

#### **Rule 8. Reconsideration**

- a) The CCSB may, in its discretion and for good cause shown, reconsider any docketed proposal on which disposition has been made, provided that request for reconsideration is made in writing by mail, email or facsimile and such request is received by the Chairman of the CCSB within thirty (30) days of the CCSB's initial disposition.
- b) Once initiated by the CCSB, reconsideration is governed by the same procedural rules as those applicable to the CCSB's initial disposition.

#### **Rule 9. Notice and Publication**

- a) Notice of CCSB dispositions of docketed proposals shall be provided by mail, email or facsimile to the proponents, other parties of record and subscribers to the Docket Bulletin and any parties that have submitted written requests for such notice. Notice of CCSB dispositions will also be posted on the NMFTA's website.
- b) The Chairman of the CCSB shall instruct the Publishing Agent of the NMFC of amendments to be made to the NMFC in accordance with the disposition of proposals.
- c) Amendments to the NMFC resulting from actions taken by the CCSB under these Procedures shall be published in a Supplement to be issued not less than thirty (30) days after disposition by the CCSB.
- d) Changes to the NMFC will become effective not less than thirty (30) days after the issue date of the Supplement.

#### **Rule 10. Changes Without Docketing**

Changes in the NMFC made necessary by law, by order of a regulatory body or for clarification may be made without docketing or observance of the Procedures herein. Notice of such changes shall be provided in the Docket Bulletin and posted on NMFTA's website.

### **Rule 11. Independent Action**

- a) The CCSB may not interfere with a carrier's free and unrestrained right of independent action.
- b) Any expert analysis or technical assistance provided by the CCSB or by other employees or employee committees of NMFTA concerning any independent action proposal shall be kept confidential.

## **ARTICLE II — ARBITRATION**

The CCSB's disposition of a docketed proposal may be set for arbitration by any party of record to that proposal subject to the following rules:

### **Rule 1. Request for Arbitration**

The party or parties seeking relief shall be referred to as the claimant(s) and the CCSB shall be referred to as the respondent. Within thirty (30) days of a classification decision, claimant(s) shall notify the Chairman of the CCSB by mail, email or facsimile that arbitration is requested of the action on the docketed proposal.

### **Rule 2. Selection of Arbitrator**

- a) The Chairman of the CCSB shall post on NMFTA's website a list of not less than ten (10) neutral arbitrators selected by an independent arbitration association. If a person does not have Internet capability, upon notice by that party that it wishes to seek arbitration, the Chairman, within two (2) business days after that notice, will provide the list of not less than ten (10) neutral arbitrators by express mail, email or facsimile. The claimant(s) and the Chairman of the CCSB shall confer by telephone, email or facsimile within three (3) business days after the list of neutral arbitrators has been received by the claimant(s) or was available to the claimant(s) on NMFTA's website to mutually agree to a neutral arbitrator. If the claimant(s) and the Chairman select different neutral arbitrators, and cannot agree on a single neutral arbitrator, they will so notify the arbitration association, and the two selected arbitrators will choose the arbitrator to handle the matter from the remaining arbitrators on the list who were not selected. The arbitration association shall be notified by telephone, email or facsimile of the selection of the neutral arbitrator, and the arbitration association shall determine whether the selected neutral arbitrator has a conflict of interest. The claimant(s) and the Chairman of the CCSB shall be notified promptly of the results of that inquiry. If the neutral arbitrator selected has a conflict of interest, the two originally selected arbitrators will choose another neutral arbitrator until no conflict of interest exists.
- b) The list of neutral arbitrators will be utilized unless, within seven (7) business days after notice of arbitration is provided by a claimant, the parties mutually agree to utilize a neutral arbitrator not identified on the list.

### Rule 3. Commencing the Arbitration Process

Prior to the commencement of the review by the neutral arbitrator, claimant(s) and the Chairman of the CCSB will be required to execute an arbitration agreement. Upon receipt of the signed arbitration agreement, the arbitration association shall direct the selected neutral arbitrator to commence the proceeding. The claimant(s) and NMFTA will share equally in the fees charged for the arbitration process by the arbitration association, except that each will bear their own legal or representation fees and administrative costs.

### Rule 4. Transmittal of Public Record

Within one (1) business day after the notice of the selection of a neutral arbitrator, the Chairman of the CCSB shall forward to the arbitrator and the claimant(s) by express mail a complete copy of the CCSB public docket file.

### Rule 5. Parties' Statements of Position

Within seven (7) business days after the notice of the selection of a neutral arbitrator, the claimant(s) may submit to the arbitrator a statement of position as to why the classification action is not in conformity with established classification standards. A copy of the statement shall be provided by express mail, email or facsimile to the Chairman of the CCSB. Within ten (10) business days after the receipt of claimant's(s') statement(s) the CCSB may submit a response by express mail, email or facsimile to the arbitrator, and send a copy by express mail, email or facsimile to the claimant(s). At the arbitrator's discretion, rebuttal statement(s) may be submitted by the claimant(s) by express mail, email or facsimile within five (5) business days after receipt of the CCSB's reply. A copy of the rebuttal(s) must be served contemporaneously by express mail, email or facsimile to the Chairman of the CCSB.

### Rule 6. Decision of Arbitrator

Within thirty (30) days after the receipt of the parties' statements of position, the arbitrator shall issue a written decision determining whether or not to affirm the challenged classification action. The arbitrator's decision will consider statements on appeal submitted by the parties, but such statements must not include inappropriate evidence or issues and must not seek or constitute a de novo review. The arbitrator's conclusions shall be governed by the established regulatory and legal standards and precedent for evaluating the reasonableness of classification provisions. The reasonableness of the class(es) proposed for any commodity shall be determined exclusively by comparison of that commodity's four recognized transportation characteristics (density, stowability, handling and liability, as defined by the Interstate Commerce Commission in Ex Parte No. MC-98 (Sub-No. 1), Investigation Into Motor Carrier Classification, 367 I.C.C. 243 (1983) and related cases) with the transportation characteristics of other commodities that are assigned a comparable class(es). The decision will set forth the essential reasoning that was relied upon in reaching these conclusions. The arbitrator's decision shall be final. Amendments to the NMFC resulting from decisions of an arbitrator under these Procedures shall be published in a Supplement to be issued not less than fifteen (15) days after arbitrator issues his or her written decision.

## **PART III – AMENDMENTS TO PROCEDURES**

### **Section 1. CCSB Action**

These Procedures may be amended or revised at any regular or special meeting of the CCSB by a two-thirds majority vote of the members, provided that sixty (60) days' public notice of the proposed amendment shall have been provided in the CCSB's Docket Bulletin and posted on NMFTA's website. Such notice shall set forth the exact language of the proposed amendment, but the CCSB shall be empowered to change or modify such language so long as the amendment as finally adopted is within the scope and purpose of the proposed amendment of which notice was given.

### **Section 2. Force and Effect**

An amendment adopted and approved as herein shall become a part of these Procedures with like force and effect as if it had been originally incorporated herein.

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**Policies and Directives**  
Pertaining to the  
**National Motor Freight Classification**

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# COMMODITY CLASSIFICATION STANDARDS BOARD POLICIES AND DIRECTIVES PERTAINING TO THE NATIONAL MOTOR FREIGHT CLASSIFICATION

## I. Commodity Classification Standards Board Policies

Following are the policies of the Commodity Classification Standards Board (hereinafter called the CCSB) for maintaining the commodity descriptions; classes; rules; packaging definitions, specifications or requirements; and other provisions of the National Motor Freight Classification (hereinafter called the NMFC). These policies reflect the standards and requirements that have been previously established or approved by the Surface Transportation Board (STB) and the Interstate Commerce Commission (ICC). They are based on and consistent with decisions and precedent of the STB, ICC, and the Federal Courts as well as the dispositions of the former National Classification Committee (NCC).

**A. Transportation Characteristics** – When evaluating commodities in connection with the assignment of classes, the CCSB must consider the four transportation characteristics of density, stowability, handling and liability, as set forth in the decisions in Ex Parte No. MC-98 (Sub-No. 1), *Investigation Into Motor Carrier Classification*.

- 1. Density** – It has been well established through numerous administrative decisions that, absent any unusual or significant stowability, handling or liability characteristics, density is of prime importance in the assignment of classes. The CCSB has developed density guidelines that are based on the precedent of pertinent administrative decisions as well as decisions of the former NCC. The present guidelines are attached hereto.

The density guidelines are used in the assignment of classes where the average density of a particular commodity or group of commodities is representative or reflective of the range of densities exhibited by that commodity or commodity group. Furthermore, the density/class relationships set forth in the guidelines presume that there are no unusual or significant stowability, handling or liability characteristics, which would call for giving those characteristics additional or different “weight” in determining the appropriate class.

Commodities or commodity groups exhibiting a wide density range not accurately reflected by a single overall average density may be assigned density-based classes; especially where there are no unusual or significant stowability, handling or liability characteristics and where there is no other feasible means of effectively narrowing the range. And where densities are distributed throughout the range, commodities or commodity groups may be assigned classes predicated on a full density scale. In this regard, unless a substantial percentage of the densities involved exceeds 20 pounds per cubic foot, full-scale density classifications should generally provide the following standard progression:

Less than 1 .....	400
1 but less than 2.....	300
2 but less than 4.....	250
4 but less than 6.....	150
6 but less than 8.....	125
8 but less than 10.....	100
10 but less than 12 .....	92.5
12 but less than 15 .....	85
15 or greater .....	70

When a substantial percentage of the densities involved exceeds 20 pounds per cubic foot, full-scale density classifications should generally provide the following, alternative standard progression:

Less than 1 .....	400
1 but less than 2.....	300
2 but less than 4.....	250
4 but less than 6.....	150
6 but less than 8.....	125
8 but less than 10.....	100
10 but less than 12 .....	92.5
12 but less than 15 .....	85
15 but less than 22.5 .....	70
22.5 but less than 30 .....	65
30 or greater .....	60

Density-based classifications should include a reference to Item (Rule) 170, the inadvertence clause, or instead to some other inadvertence provision. And full-scale density classifications as set forth herein should also include a reference to Item (Rule) 171, the "bumping" privilege.

- 2. Stowability** – The majority of shipments tendered to general commodities carriers are comprised of packaged freight that stows well in carriers' equipment. Some articles, however, present additional stowability considerations, including, but not limited to: 1) loading restrictions necessary to comply with government regulations or carrier policies, such as coloaded prohibitions in connection with the transportation of hazardous materials; 2) loading restrictions arising from practical considerations, such as excessive weight or excessive length; 3) difficulty in loading other freight adjacent to the commodity due to protrusions and the like; 4) the inability to tier the commodity in carriers' equipment; and 5) the inability to load other freight on top of the commodity due to the absence of regular load-bearing surfaces.

In evaluating the classification of a particular commodity or commodity group, the CCSB must examine stowability and its impact on the transportability of the involved commodities. Unusual or significant stowability considerations may warrant deviation from the CCSB's density guidelines. In this connection, where loaded density provides a quantifiable measure of the stowability problems associated with the involved commodities, such loaded density is to be evaluated by the CCSB in relation to the density guidelines.

3. **Handling** – As with stowability, most freight tendered to general commodities carriers does not present substantial handling problems. The packaged freight that comprises the majority of shipments is readily handled by dock personnel, often with the aid of mechanical handling equipment. Some articles, however, due to their size, weight, configuration, hazardous nature, fragility, etc., pose additional handling difficulties, whether or not mechanical equipment is used, and may necessitate special care or attention.

In evaluating the classification of a particular commodity or commodity group, the CCSB must consider ease or difficulty of handling and the impact of such on the transportability of the involved commodities. Unusual or significant handling characteristics may warrant deviation from the CCSB's density guidelines.

4. **Liability** – Pursuant to the MC-98 (Sub-No. 1) decisions, the liability characteristic includes susceptibility to theft, liability to damage, propensity to damage other freight with which transported, perishability, propensity to spontaneous combustion or explosion, and value per pound. Value per pound provides a measure of carriers' potential liability, and the CCSB has established value guidelines to assist in the assignment of classes. The present guidelines are attached hereto.

It is the CCSB's policy that the value guidelines be reviewed biennially to compensate for the impact of inflation. This is accomplished using the revised year-end Producer Price Index (PPI).

Unlike density, however, value per pound is not in and of itself a transportation characteristic. As set forth in MC-98 (Sub-No. 1), it is only one component of the liability characteristic, and accordingly, information relating to value per pound must be analyzed in conjunction with an analysis of the other liability elements. Where the other liability elements are found to present no substantial problems or concerns, value per pound is of less significance.

Consequently, the attached value guidelines cannot be viewed as forming a matrix with the density guidelines, where one is measured against the other to arrive at the appropriate class. Rather, the value guidelines provide an indication of the upper value limits associated with the various classes, as determined using the density guidelines.

As with stowability and handling, where unusual or significant liability characteristics are revealed, the CCSB may deviate from the density guidelines.

- B. **Class Floor and Ceiling** – The CCSB has established class 50 as the lowest class in the NMFC and class 500 as the highest. (For a complete listing of the classes assigned in the NMFC, as established by the CCSB, see the attached density and value guidelines.)
- C. **Classification Updating** – The provisions of the NMFC are to be kept up-to-date with respect to the commodities moving in commerce. Included in this policy is the: 1) establishment of classifications for new commodities; 2) amendment of existing classifications to reflect changes in transportation characteristics; 3) establishment of classifications for commodities classed by analogy, in keeping with the requirements of Item (Rule) 421 of the NMFC; and 4) establishment or amendment of classifications for commodities that are a source, or potential source, of interpretation disputes so as to eliminate or avoid those disputes.

- D. Clarification, Simplification and Uniformity** – Generally speaking, the policies grouped under this heading pertain to “housekeeping” matters necessary to improve the usability of the NMFC and to ensure compliance with regulations. The following activities are to be conducted to implement these policies: 1) adding commonly used terminology to descriptions to identify commodities (including trade names, properly noticed, where a commodity is essentially known by a trade name); 2) replacing outdated terminology in commodity descriptions with current terminology; 3) combining descriptions embracing related commodities, including the combining of subclassifications having the same class; 4) eliminating excess or unclear wording, and employing language that is concise and clear as to intent; 5) structuring commodity descriptions so as to foster clarification and simplification; 6) listing commodity descriptions alphabetically by noun or compound noun, as the case may be; 7) replacing broad, indistinct nouns (e.g., assemblies, devices, units) with more specific, definitive nouns wherever appropriate and practicable; 8) listing items under appropriate generic headings; 9) providing uniformity in provisions addressing the same or similar circumstances published in conjunction with different items; and 10) removing obsolete provisions.
- E. Classification Index** – The index is typically the NMFC user's first step when determining the applicable provisions. Accordingly, the CCSB has developed policies to improve the index and, thus, the usability of the NMFC. As index listings are generally derived directly from the commodity descriptions, these policies are closely related to those established for “Clarification, Simplification and Uniformity.” The policies are as follows:
- The index should list commodities by their commonly recognized names in addition to their technically correct names. Where a commodity is essentially known by a trade name, the index should include that trade name, properly noticed.
  - Where commodities may be looked up in more than one way, the index should be cross-referenced. This includes adding index listings that are keyed to adjectives as well as to nouns; particularly where the noun is broad and indistinct.
  - Index listings should be as specific and definitive as practicable.
  - Index listings that can be consolidated should be consolidated, and unnecessary listings should be removed.
- F. Packaging** – The CCSB is to establish and maintain packaging rules and specifications as necessary to ensure that freight is adequately protected in the motor carrier environment, and can be handled and stowed in a manner that is reasonably safe and practicable.
- The CCSB is to evaluate prospective packagings against established performance criteria, as reflected by the packaging provisions published in the NMFC. Generally speaking, prospective packaging materials or methods are considered consistent with CCSB packaging policy when their performance is demonstrated to be as good as, or better than, currently authorized materials or methods.
- G. Rules** – The rules published in the NMFC are to be: 1) consistent with current law as well as applicable past decisions of the STB and the ICC; 2) consistent with CCSB/NCC precedent and current motor carrier practice; 3) clear as to intent; and 4) otherwise up-to-date.

## II. Commodity Classification Standards Board Directives

Pursuant to the aforementioned policies, in strict accord with the National Motor Freight Classification Procedures, and in keeping with all applicable laws and regulations, the CCSB has the responsibility to: 1) receive information from shippers, carriers and other sources pertaining to commodities moving in commerce, including their transportation characteristics, as well as packaging and other classification-related matters; 2) evaluate that information to determine appropriate action(s), if any; and 3) provide assistance to shippers, carriers and other users of the NMFC in connection with classification-related matters.

- A. Research** – When conducting research in connection with the classification or packaging of a particular commodity or commodity group, the CCSB shall make a reasonable effort to identify and contact potential shippers of the involved commodities. It shall consult a variety of sources in this regard, including the *Thomas Register of American Manufacturers*, the Internet and its own files. The staff shall also search for and attempt to contact trade associations having members with a potential interest in the commodity to request their assistance in identifying interested shippers and obtaining relevant information.

Since the individual classifications in the NMFC are intended to reflect the transportation characteristics of commodities moving in commerce, the CCSB shall keep apprised of new commodities and technologies as well as changes in existing commodities.

With respect to packaging, the CCSB shall: 1) receive information pertinent to the efficacy of currently authorized packaging materials or methods; 2) keep apprised of new packaging materials and methods; and 3) develop, in cooperation with shippers, packaging manufacturers and packaging professionals, improved packaging.

- B. Pre-Proposals** – Pursuant to the National Motor Freight Classification Procedures, any potential proposal by the CCSB to amend the provisions of the NMFC shall be posted on NMFTA's website for at least thirty (30) days. Such "pre-proposals" are to relate the information available to the CCSB's policies. Density data is to be analyzed under the CCSB's density guidelines, and stowability, handling and liability must be analyzed with respect to their impact on the transportability of the involved commodities and related to applicable CCSB/NCC and STB/ICC precedent. In connection with stowability, pre-proposals are to include information regarding loaded density, where relevant, and how that density relates to the density guidelines.

Pre-proposals pertaining to NMFC clarification, simplification or uniformity shall include possible language that would bring the involved provision(s) into conformance with CCSB policies and CCSB/NCC precedent.

Similarly, pre-proposals involving rules published in the NMFC that are inconsistent with current law, applicable past STB/ICC decisions, CCSB/NCC precedent or current motor carrier practice, or that otherwise require revision, shall include possible remedial language.

- C. Analysis of Classification Proposals** – The CCSB shall prepare written reports (analyses) of all proposals for amending the NMFC docketed in accordance with the National Motor Freight Classification Procedures.

The analyses shall relate the information of record to the CCSB's policies, and analyses of proposals involving the assignment of classes are to include a discussion of all four transportation characteristics, as set forth in the Ex Parte No. MC-98 (Sub-No. 1) decisions. Density data shall be analyzed under the CCSB's density guidelines, and stowability, handling and liability must be analyzed with respect to their impact on the transportability of the involved commodities and related to applicable CCSB/NCC and STB/ICC precedent. In connection with stowability, proposal analyses are to include information regarding loaded density, where relevant, and how that density relates to the density guidelines.

- D. Providing Assistance to Interested Persons** – In addition to providing assistance as set forth in the National Motor Freight Classification Procedures, the CCSB shall answer questions from interested persons concerning classification principles and procedures, and be responsive to requests for information pertaining to the background of a docketed proposal or the facts of record. However, the CCSB will continue to honor its commitment to protect the confidentiality of commercially sensitive information that it receives from shippers and others on the assurance — expressed or implied — that disclosure will be limited. Therefore, the CCSB will not release confidential information such as market data or data on specific, identified products of a particular shipper, nor the names of data sources or information that could lead to the names of data sources, the dissemination of which might be detrimental to a company or individual that has chosen to participate in the classification process. Similarly, the CCSB will not release any privileged information or material, such as attorney-client work products prepared by Counsel.
- E. Classification Interpretations** – On request of any interested person and upon receipt of the requisite information, the CCSB shall research and issue nonbinding, informal opinions (interpretations) as to the classification provisions applicable to any particular commodity.

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At least once a year, the CCSB shall review these policies and directives, including the density and value guidelines.

COMMODITY CLASSIFICATION STANDARDS BOARD DENSITY GUIDELINES	
Minimum Average Density (in pounds per cubic foot)	Class
50	50
35	55
30	60
22.5	65
15	70
13.5	77.5
12	85
10.5	92.5
9	100
8	110
7	125
6	150
5	175
4	200
3	250
2	300
1	400
Less than 1	500

The density guidelines are used in the assignment of classes where average density is representative or reflective of the range of densities exhibited. Furthermore, the density/class relationships set forth in the guidelines presume that there are no unusual or significant stowability, handling or liability characteristics, which would call for giving those characteristics additional or different "weight" in determining the appropriate class.

COMMODITY CLASSIFICATION STANDARDS BOARD VALUE GUIDELINES	
Class	Maximum Average Value Per Pound
50	\$ 1.06
55	\$ 2.06
60	\$ 3.12
65	\$ 5.17
70	\$ 7.80
77.5	\$ 10.39
85	\$ 15.61
92.5	\$ 20.78
100	\$ 25.99
110	\$ 28.60
125	\$ 32.49
150	\$ 39.02
175	\$ 45.52
200	\$ 52.02
250	\$ 65.02
300	\$ 78.01
400	\$ 104.02
500	\$ 130.04

Unlike density, value per pound is not in and of itself a separate transportation characteristic. Pursuant to the decisions in Ex Parte No. MC-98 (Sub-No. 1), *Investigation Into Motor Carrier Classification*, value per pound is only one component of the liability characteristic. Accordingly, information relating to value per pound must be analyzed in conjunction with the other liability elements, i.e., susceptibility to theft, liability to damage, propensity to damage other freight, perishability, and propensity to spontaneous combustion or explosion. Where those other liability elements are found to present no substantial problems or concerns, value per pound is of less significance.

**Consequently, the value guidelines cannot be viewed as forming a matrix with the density guidelines, where one is measured against the other to arrive at the appropriate class representing an "average" of the two factors. Rather, the value guidelines provide an indication of the upper value limits associated with the various classes, as determined using the density guidelines.**