

§ 372.111

§ 372.111 Nonmember transportation limitation and record keeping.

(a) *Overall limitation of nonmember transportation.* No cooperative association or federation of cooperative associations may engage in nonmember interstate transportation for compensation in any fiscal year which, measured in terms of tonnage, exceeds its total interstate member transportation in such fiscal year.

(b) *Records of interstate transportation when nonmember transportation is performed.* Any cooperative association or federation of cooperative associations performing interstate transportation for nonmembers shall prepare and retain for a period of at least two years written records of all interstate transportation performed for members and nonmembers. These records shall contain:

- (1) The date of the shipment,
- (2) The names and addresses of the consignor and consignee,
- (3) The origin and destination of the shipment,
- (4) A description of the articles in the shipment,
- (5) The weight or volume of the shipment,
- (6) A description of the equipment used either by unit number or license number and, in the event this equipment is nonowned, the name and address of its owners and drivers,
- (7) The total charges collected,
- (8) A copy of all leases executed by the cooperative association or federation of cooperative associations to obtain equipment to perform transportation under 49 U.S.C. 13506(a)(5),
- (9) Whether the transportation performed is:
 - (i) Member transportation,
 - (ii) Nonmember transportation for nonmembers who are farmers, cooperative associations, or federations thereof,
 - (iii) Other nonmember transportation, and if of class (iii), how the transportation was incidental and necessary as defined in § 372.109(a).

[43 FR 2397, Jan. 17, 1978, as amended at 45 FR 45524, July 3, 1980; 62 FR 38036, July 16, 1997; 62 FR 49940, Sept. 24, 1997]

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§ 372.113 [Reserved]

§ 372.115 Commodities that are not exempt under 49 U.S.C. 13506(a)(6).

49 U.S.C. 13506(a)(6) provides an exemption from regulation for motor vehicles used in carrying ordinary livestock, fish, and unmanufactured agricultural commodities. Certain specific commodities have been statutorily determined to be non-exempt. Administrative Ruling No. 133, which is reproduced below, is a list of those commodities that are non-exempt by statute.

ADMINISTRATIVE RULING NO. 133

LIST OF COMMODITIES THAT ARE NOT EXEMPT BY STATUTE UNDER 49 U.S.C. 13506(a)(6)

- Animal fats*
- Butter*
- Canned fruits and vegetables*
- Carnauba wax as imported in slabs or chunks*
- Cattle, slaughtered*
- Charcoal*
- Cheese*
- Coal*
- Cocoa beans*
- Coffee, beans, roasted, or instant*
- Copra meal*
- Cotton yarn*
- Cottonseed cake or meal*
- Diatomaceous earth*
- Dinners, frozen*
- Feeds:*
 - Alfalfa meal
 - Alfalfa pellets
 - Beet pulp
 - Bran shorts
 - Copra meal
 - Corn gluten
 - Distilled corn grain residues, with or without solubles added
 - Fish meal
 - Hominy feed
 - Middlings
 - Pelletized ground refuse screenings
 - Wheat bran
 - Wheat shorts
- Fertilizer, commercial*
- Fish:*
 - Canned or salted as a treatment for preserving
 - Cooked or partially cooked fish or shrimp, frozen or unfrozen
 - Hermetically sealed in containers as a treatment for preserving
 - Oil from fishes
 - Preserved, or treated for preserving, such as smoked, salted, pickled, spiced, corned or kippered
- Flagstone*
- Flaxseed meal*

Federal Motor Carrier Safety Administration, DOT

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Flour
Forest products:
 Resin products, such as turpentine
Fruits and Berries:
 Bananas, fresh, dried, dehydrated, or frozen
 Canned
 Frozen
 Hulls of oranges after juice extractions
 Juice, fruit, plain or concentrated
 Pies, frozen
 Preserved, such as jam
 Purees, strawberry and other, frozen
Grains:
 Oils extracted from grain
 Popcorn, popped
 Rice, precooked
 Wheat germ
Gravel
Hair, hog or other animal, product of slaughter of animal
Hay, sweetened with 3 percent molasses by weight
Hemp fiber
Hides, green and salted
Insecticides
Limestone, agricultural
Livestock:
 Monkeys
 Race horses
 Show horses
 Zoo animals
Lumber, rough sawed or planed
Maple syrup
Meal:
 Alfalfa
 Copra
 Cottonseed
 Fish
 Flaxseed
 Linseed
 Peanut
 Soybean
Meat and meat products, fresh, frozen or canned
Milk and Cream:
 Chocolate
 Condensed
 Sterilized in hermetically sealed cans
Molasses
Nuts (including peanuts):
 Peanut meal
 Roasted or boiled
Oil, mint
Oil, extracted from vegetables, grain, seed, fish or other commodity
Pelts
Pies, frozen
Pigeons, racing
Pulp, beet

Pulp, sugar cane
Rock (except natural crushed, vesicular rock to be used for decorative purposes)
Rubber, crude, in bales
Rubber, latex, natural, liquid, from which water has been extracted and to which ammonia has been added
Sand
Seeds:
 Oil extracted from seeds
Skins, animal
Soil, potting
Soil, top
Soup, frozen
Sugar
Sugar cane pulp
Sugar raw
Syrup, cane
Syrup, maple
Tea
Tobacco:
 Cigars and cigarettes
 Homogenized
 Smoking
Top Soil
Trees:
 Sawed into lumber
Vegetables:
 Candied sweet potatoes, frozen
 Canned
 Cooked
 French fried potatoes
 Oil, extracted from vegetables
 Soup, frozen
 Soybean meal
Wool imported from a foreign country
Wool tops and noils
Wool waste (carded, spun, woven, or knitted)
Wool yarn

NOTE 1: Under 49 U.S.C. 13506(a)(6)(D), any listed fish or shellfish product that is not intended for human consumption is *exempt*.

NOTE 2: Under 49 U.S.C. 13506(a)(6)(E), any listed livestock feed, poultry feed, agricultural seeds, or plants that are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production is *exempt*

[53 FR 17707, May 18, 1988, as amended at 62 FR 15421, Apr. 1, 1997]

§ 372.117 Motor transportation of passengers incidental to transportation by aircraft.

(a) *Passengers having an immediately prior or subsequent movement by air.* The transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft provided (1)