

§ 372.113

- (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]

§ 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

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- 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*
- 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

Federal Motor Carrier Safety Administration, DOT

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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) that it is confined to the transportation of passengers who have had or will have an immediately prior or immediately subsequent movement by air and (2) that the zone within which motor transportation is incidental to transportation by aircraft, except as it may be individually determined as provided in section (c) herein, shall not exceed in size the area encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart and by the boundaries of the commercial zones (as defined by the Secretary) of any municipalities any part of whose commercial zones falls within the 25-mile radius of the pertinent airport.

(b) *Substituted motor-for-air transportation due to emergency conditions.* Transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft if it constitutes substituted motor-for-air service performed at the expense of the air carrier in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes beyond the control of the air carrier.

(c) *Individual determination of exempt zones.* Upon its own motion or upon petition filed by any interested person, the Secretary may in an appropriate proceeding, determine whether the area within which the transportation by motor vehicle of passengers having an immediately prior or subsequent