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LEGS./REGS. DIV.

July 12, 1993

FHWA Docket No. MC 92-4
Room 4232 HCC-10
Office of the Chief Council
Federal Highway Administration
400 Seventh Street, N.W.
Washington, DC 20590

FHWA-97-2180-3

SUBJECT: NPRM - 49 CFR Part 397 - Federal Motor Carrier Safety
Regulation : Transportation of Hazardous Materials

Dear Sir:

Carolinas AGC, The Construction Industry Association of the Carolinas, appreciates being given the opportunity to submit comments on the above referenced regulations that were published in June 17, 1993, Federal Register. Our membership, which consists of approximately 3,600 contractors, subcontractors, and suppliers, perform over 80 percent of all nonresidential construction in the Carolinas.

Since many of our members from time to time transport varying amounts of Class A explosives, our comments will be limited to this area.

Will these regulations be interpreted to require that a contractor after November 16, 1995, who transports a minimum of 55 lb. of Class A explosives from a company powder magazine over public roads to a specific jobsite, be required to use a vehicle that has a valid safety permit? If so, this will result in unreasonable, unrealistic, and unworkable requirements since this small quantity of explosives is often transported in a small "pick-up" type truck.

We do not take exception to the need for "safety permits" to haul large quantities of Class A explosives by commercial carriers. However, we recommend that the final regulations be revised to provide that the safety

FHWA DOCKET MC-92-4-2
PAGE 1 OF 2

FHWA Docket No. MC 92-4
Office of the Chief Council
Federal Highway Administration
July 12, 1993
Page - 2

permit be required of those commercial vehicles that transport Class A explosives commercially (i. e . , from manufacturer to the supplier) only. Existing OSHA regulations can cover the transportation by the consumer.

We hope this recommendation will be given serious consideration.

Sincerely,



W. E. Latham, P.E.
Executive Director
Occupational Divisions & Government Relations

W.E.L./ahs