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FHWA-97-2289-5

BEFORE THE
FEDERAL HIGHWAY ADMINISTRATION
UNITED STATES DEPARTMENT OF TRANSPORTATION

COMMENTS OF
THE CANADIAN COUNCIL OF MOTOR TRANSPORT ADMINISTRATORS
AND
THE COMMERCIAL VEHICLE SAFETY ALLIANCE
IN RESPONSE TO
ADVANCE NOTICE OF PROPOSED RULEMAKING

FHWA Docket No. MC-96-41
Request for comments on FHWA's decision to consider
a rulemaking to overhaul its cargo securement regulations

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BEFORE THE
FEDERAL HIGHWAY ADMINISTRATION
UNITED STATES DEPARTMENT OF TRANSPORTATION

I. INTRODUCTION

A. Procedural Statement

These comments are submitted on behalf of the Canadian Council of Motor Transport Administrators (CCMTA) and the Commercial Vehicle Safety Alliance ("CVSA" or "Alliance") in response to the Advance Notice of Proposed Rulemaking published by the Federal Highway Administration ("FHWA" or "Agency"), Docket No. MC-96-41 Fed Reg. 54142 (October 17, 1996), requesting comments on its decision to consider a rulemaking to overhaul its cargo securement regulations based upon the results of a multi-year comprehensive research program to evaluate current regulations and industry practices. Comments are also requested on the process to be used to develop the North American Cargo Securement Standard. The FHWA is currently working with the CCMTA, CVSA, State and Provincial agencies responsible for motor carrier safety activities and U. S. and Canadian industry groups on the research project which is scheduled for completion by the end of 1996.

B. Interest of the CCMTA/CVSA

The CCMTA is a non-profit association of senior officials from Federal, Provincial and Territorial Departments and Agencies responsible for the administration, regulation and control of motor vehicle transportation and highway safety as mandated by the Council of Ministers responsible for transportation and highway safety. One of CCMTA's top priorities is to work toward harmonization of motor vehicle, driver and carrier laws and their application in Canada and North America.

The CVSA is a non-profit association of Federal, State and Provincial officials responsible for the administration and enforcement of motor carrier safety laws in the United States, Canada and Mexico.

The Alliance provides the basic operating environment to achieve uniformity, compatibility and reciprocity of inspections and motor carrier safety enforcement activities. Every State, Province, Territory and Possession and the Federal Government of Mexico are members of CVSA.

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C. Summary

CCMTA and CVSA have reviewed the ANPRM. Our members fully support the development of a uniform North American Cargo Securement Standard based upon the results of the multi-year research program. Further, we are especially supportive of the process to be used in developing the standard.

II. COMMENTS OF THE CCMTA AND CVSA

A. General Comments

In 1994, a joint industry/Canadian/United States research project was launched under the auspices of CCMTA to establish a sound technical foundation for a review of the regulations governing securement of cargo. This joint research initiative combined both the public and private sectors to undertake basic research into load securement systems. The objective of the research project was to conduct research which will address a series of fundamental questions related to current load securement practices in Canada and the U. S., and to provide results which will assist in developing regulatory principles based on sound data and engineering analysis. Accidents involving load loss or load shift have called into question the adequacy of U. S./Canadian existing load securement rules and underscored the need to work together to improve road safety.

A comprehensive research program was developed to provide valuable test results and engineering data to support the development of improved practices and standards for devices which are used to restrain cargo on commercial motor vehicles. The research project provided an engineering assessment of cargo securement components including anchor points, tiedowns, blocking and bracing, friction, vehicle structural integrity, and the process for cargo securement.

With financial sponsorship provided by government and industry associations in both Canada and the U.S., the final series of tests are scheduled for completion by the of 1996. Individual reports will be issued covering each of the testing modules and are available to all interested parties.

The co-operative mechanisms used to sponsor and conduct the research will be used to develop and introduce performance based Uniform North American Cargo Securement Standards. Performance based cargo securement standards will not only improve highway safety, but will also provide equipment manufacturers and motor carriers increased flexibility and latitude to meet the objectives of the standard.

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Consistent with this approach, a structure and process was put into place to begin drafting a uniform North American Standard, and to carry out consultation, solicit comments and encourage broad based participation. A joint Canadian/U.S. Harmonization Committee was established to review the standards as they are developed by a drafting group that includes representatives from Transport Canada, the U.S. Federal Highway Administration and technical and research experts from the Ontario Ministry of Transport and Transports Quebec. Membership in the committee includes all of the sponsors of the research project and is open to any and all interested parties, including Federal, State and Provincial governments, the trucking and truck equipment manufacturing industries, shippers and highway user groups.

In summary, the North American load securement initiative represents an unique and ambitious undertaking which will result in a common, uniform, performance based standard being introduced by all jurisdictions in North America.

B. Specific Comments

FHWA is soliciting comments on its decision to consider a rulemaking to overhaul its cargo securement regulations based upon the research program and other published cargo securement related research. Comments are also requested on the process that would be used to develop the North American Cargo Securement Standard.

1. Standards Development

There is a wide range of cargo securement requirements and regulations currently in place within the Federal, State and Provincial jurisdictions in North America, while in some instances specific requirements vary among jurisdictions. The underlying objective of all cargo securement regulations is to protect the safety of the public by requiring that cargo being transported on the highway system is properly loaded and adequately secured. As a result of discussions among jurisdictions, the need to establish more uniform requirements by providing engineering data and test results to support the development of improved practices and uniform standards to ensure that cargo is adequately restrained, has emerged.

The scope of the initiatives to develop a uniform cargo securement standard for North America is to gain consensus among jurisdictions, carriers, shippers and other stakeholders on:

- o Guiding principles for cargo securement which have general application to all cargo transported on the highway system;
- o Performance criteria which should be met by cargo securement systems,

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- o Performance based, prescriptive cargo securement requirements which will apply to selected commodities, and
- o A means to implement a common standard in all jurisdictions in North America which results in uniform application, enforcement and interpretation.

Therefore, CCMTA and CVSA strongly support FHWA's decision to utilize research results to overhaul its cargo securement regulations. We believe a uniform North America wide, performance based cargo securement standard will not only improve highway safety, but also will provide equipment manufacturers and carriers with increased flexibility and latitude to meet the objectives of the standard. The development and implementation of a uniform North American cargo securement standard has received the highest level of support in Canada (Council of Deputy Ministers) and the U. S. Department of Transportation (Secretary Pena). In recognition of the commitment which has been received from the U. S. to work closely with Canada, and the benefits that would be realized by implementing a uniform standard, it is critical that we proceed on a common schedule in both countries.

It is recognized that the legislative and rulemaking processes in the United States and Canada are quite different. We applaud FHWA's plan to issue a final rule by the end of 1997. This is consistent with the desires of industry for a single implementation date of a common standard, and the benefits (training and educational material) which would be realized by implementing uniform requirements. FHWA is urged to make every effort to meet the announced schedule, which is consistent with the planned schedule in Canada.

2. Process

As aforementioned, a structure and process has been established which will result in a common, uniform, performance based standard being introduced by all jurisdictions within North America. Steps have been taken to assure the broadest possible participation in the development of a common standard. This process provides for a joint regulatory review of current load securement rules with a view toward developing a single North American load securement standard. Officials from Canada and the United States will work closely with industry stakeholders to translate the research results into a standard which can be adopted by both countries.

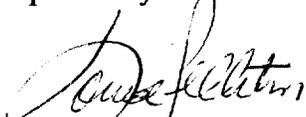
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The motor carrier industry and shippers in North America are seeking rules which are based on sound engineering principles and which are easy to understand and practical for compliance purposes. The consultation process allows all interested parties to actively participate in standard development by providing input/comments on draft proposals. This will be accomplished through attendance at regularly scheduled public meetings or through internet, electronic mail. The process is especially designed to ensure that all interested parties have an opportunity to participate fully in the development of the standard, and to identify and consider the concerns of the Federal, State, Provincial Governments, carriers, shippers, industry groups, and associations, as well as safety advocacy groups and the general public.

III. Conclusion

In conclusion, the CCMTA and CVSA applaud the effort of the FHWA and the rulemaking action to develop a Uniform North American Cargo Securement Standard. We specifically urge the FHWA to support the process that is being used to develop the standard. CCMTA and CVSA strongly recommend that the FHWA make every effort to adopt a final rule by the end of 1997, consistent with the planned schedule in Canada.

Respectfully submitted


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