

the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue an NPRM at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file, in the docket, relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this document does not contain a significant regulatory action under Executive Order 12866. The FHWA does not know what direction this rulemaking will take, however, it does not expect that this rulemaking will be inconsistent with any other agency actions or materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. The FHWA anticipates that the costs of any rulemaking action that might be implemented in response to comments received would be no greater than the motor carrier's current costs of complying with the regulatory requirements. At this preliminary stage, we do not anticipate that any regulatory action taken in response to comments introduced here would be of sufficient economic magnitude to warrant a full regulatory evaluation.

Regulatory Flexibility Act

Although this document does not include any specific proposal at this time, the FHWA believes this action will not lead to a proposed rule that would have a significant economic impact on a substantial number of small motor carriers.

To meet the requirements of the Regulatory Flexibility Act (5 U.S.C. 601-612), however, the FHWA would evaluate the effects on small entities of any rule promulgated in subsequent phases of this proceeding. Therefore, the agency is particularly interested in comments from small entities on whether there are impacts from this action and how those impacts may be minimized.

Unfunded Mandates Reform Act of 1995

The FHWA will analyze any proposed rule to determine whether it would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, as required by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 132).

Executive Order 12612 (Federalism Assessment)

The FHWA will analyze any proposed rule using the principles and criteria contained in Executive Order 12612 to determine whether the proposal would have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA does not expect that any action developed in response to comments introduced here would infringe upon the State's ability to discharge traditional State governmental functions because interstate commerce, which is the subject of these regulations regarding interstate operations, has traditionally been governed by Federal laws.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

Paperwork Reduction Act

The FHWA does not anticipate that any rulemaking action implemented in subsequent phases of this proceeding would result in changes in the collection of information requirements that are currently approved. The FHWA does not foresee the likelihood of increased paperwork burdens because what is being considered in this action is an evaluative process to determine, in part, how regulated motor carriers are complying with existing regulations. Should revisions to the safety assessment and rating system be proposed in this proceeding, however, the agency will evaluate carefully the information collection implications of such revisions under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

National Environmental Policy Act

The agency will analyze any action implemented in subsequent phases of this proceeding for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) to determine whether the action would affect the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be

used to cross reference this action with the Unified Agenda.

List of Subjects in CFR Part 385

Highway safety. Highways and roads. Motor carriers, Motor vehicle safety, and Safety fitness procedures.

Issued on: July 10, 1998.

Kenneth R. Wykle,
Federal Highway Administrator,
[FR Doc. 98-19294 Filed 7-17-98; 8:45 a.m.]
BILLING CODE 4910-22

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 395 and 396

[FHWA Docket No. FHWA-98-3414]-1

RIN2125-AE35

Out-of-Service Criteria

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); request for comments.

SUMMARY: The FHWA seeks public comment concerning use of the "North American Uniform Out-of-Service Criteria" (OOS Criteria). During roadside inspections, Federal, State and local safety inspectors use the OOS Criteria as a guide in determining whether to place commercial motor vehicles (CMVs) or drivers of CMVs out-of-service. The OOS Criteria is a list of those violations which are so unsafe that they must be corrected before operations can resume. Correction of other less severe violations can be deferred to a more convenient time and place. The FHWA is seeking public comment on the future scope and effect of the OOS Criteria, which are not part of the Federal Motor Carrier Safety Regulations (FMCSRs). The agency is also seeking comment on the need to formalize these guidelines.

DATES: Comments should be received on or before September 18, 1998.

ADDRESSES: Signed, written comments should refer to the docket number appearing at the top of this document and must be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Robert F. Schultz, Jr., Office of Motor Carrier Research and Standards (HCS-10), (202) 366-4009, or Mr. Charles Medalen (HCC-20), Office of the Chief Counsel, (202) 366-1354, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

Internet users can access all comments received by the U.S. DOT Dockets Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661. Internet users may reach the Federal Register's home page at: <http://www.nara.gov/fedreg> and the Government Printing Office's database at: http://www.access.gpo.gov/su_docs.

What is the "North American Uniform Out-of-Service Criteria"?

The OOS Criteria is a reference guide developed and maintained by the Commercial Vehicle Safety Alliance (CVSA) to assist enforcement personnel in deciding whether to allow a CMV or driver, found in violation of law, to continue in commerce. The CVSA is an association of State, local, provincial and Federal officials responsible for the administration and enforcement of motor carrier safety laws and regulations in the United States, Canada, and Mexico. The CVSA provides a mechanism for the development of consensus upon issues of common concern. The OOS Criteria is a detailed list of conditions which the CVSA membership has agreed are sufficiently hazardous to justify restricting further operation by a driver or a CMV. Each year the CVSA reviews the OOS Criteria, and makes necessary changes.

How are the OOS Criteria Used?

The majority of the safety violations found during inspections at the roadside relate to the condition of the CMV. Some of these violations can be corrected at the roadside; for example, a driver can repair a turn signal which is not functioning. Others must be corrected at a repair facility if a

particular safety violation presents no immediate or undue threat to public safety, it would be an unnecessary interruption in the flow of commerce and perhaps even cause a traffic safety problem to require the motor carrier to undertake corrective action on site. In such cases, the assessment of a warning, fine, or other penalty is sufficient; the repairs necessary to prevent further deterioration or ultimately correct the condition may safely be deferred to another time and place.

In this sense, the OOS Criteria are usually less stringent than the FMCSRs. For example, a CMV with a single headlamp incapable of producing a low beam during night-time driving does not comply with the FMCSRs (49 CFR 393.9). The OOS Criteria, however, are not operable until both headlamps are incapable of producing a low beam. In this example, the inspector would cite the motor carrier for the violation of the FMCSRs, but permit the CMV to proceed so that repairs to the headlamp can be made at a more convenient time and place. In cases such as this, the OOS Criteria serve as enforcement tolerances because the violation of the FMCSRs is allowed to continue, in other instances. Provisions of the OOS Criteria correspond precisely with the FMCSRs. For example, a CMV with only one rear turn signal working properly does not comply with the FMCSRs (49 CFR 393.11). The OOS Criteria also provides that the CMV should not be moved until both signals are in working order.

State inspectors with general police powers have authority under State law to stop and seize summarily. All States participating in the Motor Carrier Safety Assistance Program (MCSAP) have agreed that their inspectors will use the OOS Criteria when exercising this power. If an inspector, during an inspection activity, observes inherently dangerous conditions which are identified in the OOS Criteria, the Inspector may issue an out-of-service order. Motor carriers and their drivers are able to anticipate reasonably uniform treatment of violations in all jurisdictions throughout this country because of the general acceptance of the OOS Criteria.

The majority of drivers who are placed out-of-service are so treated because they are driving in violation of the maximum hours-of-service rules under 49 CFR part 395. Such violations are usually corrected by the driver being off-duty at least eight consecutive hours

An FHWA inspector at roadside may order a motor carrier's driver or CMV to

cease operation.¹ When conducting roadside vehicle and driver inspections, the FHWA uses the OOS Criteria in deciding whether to allow particular motor carriers, CMVs, or drivers to proceed in violation of the FMCSRs

How has the OOS Criteria Evolved?

Out-of-service criteria for drivers and CMVs have been in existence over forty years. Prior to its absorption into the United States Department of Transportation in 1967, the Bureau of Motor Carrier Safety (BMCS), a part of the former Interstate Commerce Commission, developed the first out-of-service criteria in carrying out its inspection function. Those criteria continued in use by the FHWA safety Investigators thereafter.

In 1980, the FHWA conducted a pilot program to assess the potential of States to enforce CMV safety rules at the same time they enforce the restrictions on the size and weight of CMVs. Four States participated and generated results which were a factor in the enactment of legislation in 1982 authorizing the Motor Carrier Safety Assistance Program. That program, which provides funding to the States in their efforts to enforce motor carrier safety regulations, has been quite successful.

The States were brought together on another front by their search for a solution to the problems created by the patchwork of diverse State laws and regulations governing motor carrier safety. The States came to realize that a larger number of motor carriers could comply with safety laws and regulations if greater uniformity in enforcement were achieved. Several western States and Canadian Provinces formed the CVSA to reach agreement on issues such as inspections and out-of-service criteria. With the subsequent encouragement and support of the FHWA through the MCSAP, the CVSA expanded dramatically. Soon all 50 States and the District of Columbia became partners with the FHWA by adopting and enforcing, with minor variances, the FMCSRs and the Hazardous Materials Regulations (HMRs) of the Research and Special Programs Administration, and by using uniform inspection criteria.

In 1988, the FHWA published a comparison of the OOS Criteria and the FHWA's inspection criteria in 49 CFR Ch. 111, subchapter B, appendix G. The fact that this comparison is so outdated and of little use today demonstrates one of the issues discussed below in the options for further regulatory action.

¹ See 49 CFR 395.13(a), and 396.9(c).

The Motor Carrier Act of 1991 (the Act) prescribed certain penalties for motor carriers or drivers found to have violated out-of-service orders (49 U.S.C. 31310(g)(2)). The Act made the adoption of such penalties by the States, and a program of random reinspection of vehicles placed out-of-service, a condition for receipt of Federal safety funding under the MCSAP. The Congress also made a State's adoption of the penalties for violation of out-of-service orders a condition of continued receipt of the State's full allocation of highway construction funds (49 U.S.C. 3131 I). The FHWA published implementing regulations on May 18, 1994 (59 FR 26022) (codified in part at 49 CFR 383.5 and 390.5, definitions of "out-of-service criteria").

What is the FHWA's Role In the Development of the OOS Criteria?

The FHWA is a non-voting member of the CVSA, as are representatives of numerous trade organizations, such as the American Trucking Associations (ATA), the National Private Truck Council (NPTC), the Owner-Operator Independent Drivers Association, Inc. (OOIDA), and the National Tank Truck Carriers, Inc. (NTTC). Committees of the CVSA consider and recommend modifications to the OOS Criteria, which are then accepted or rejected by a vote of CVSA member jurisdictions. The revised OOS Criteria are then submitted to the FHWA for its use.

The FHWA's Interest in the OOS Criteria is three-fold, First, as part of the MCSAP program, each State develops a Commercial Vehicle Safety Plan (CVSP) which the FHWA must approve before authorizing funds. At the present time, the CVSPs of all the States provide for use of the OOS Criteria in conducting driver, vehicle, and hazardous materials inspections at the roadside.

Second, the FHWA's own safety investigators use the CVSA OOS criteria in the limited number of roadside inspections they perform each year. By following the CVSA OOS criteria in determining whether to place a driver or vehicle out-of-service, the FHWA is promoting consistency with these State-developed criteria and further uniformity in treatment of carriers nationwide.

Third, the FHWA also uses the OOS Criteria indirectly in determining the safety fitness of motor carriers (49 CFR 385.5). The FHWA's safety ratings for motor carriers include three categories: Satisfactory, Conditional, or Unsatisfactory (49 CFR 385.7). The ratings are based on a number of factors, including compliance with the FMCSRs

The FHWA has recently placed greater emphasis on the safety performance of motor carriers in the rating process, and this action has led to additional emphasis on the OOS Criteria. The FHWA considers the vehicle out-of-service experience of motor carriers when calculating the vehicle factor, one of the six components of a motor carrier's safety rating. Rather than taking all roadside violations into account, the FHWA considers only out-of-service violations on the presumption that, because they are more serious, they are more likely to reflect on the inspection, repair, and maintenance programs of motor carriers.²

Why Is the FHWA Undertaking This Action?

The agency believes that the OOS Criteria serve as guides for enforcement personnel in the exercise of discretion. The inspector determines if there is a violation of the underlying substantive safety regulation, whether it be the FMCSRs, a State law or regulation compatible with the FMCSRs, or the HMRs. When this determination has been made, the inspector faces a second question: may this particular driver or vehicle resume operations immediately in the face of this violation? The inspector exercises his or her discretion in answering this question. The OOS Criteria serve as guidelines to help the Inspector determine whether the condition that he or she is observing is sufficiently hazardous to warrant placing the driver or CMV out-of-service, or conversely, whether the condition is not serious enough to prevent the driver and CMV from proceeding in violation of the regulation, deferring the repairs until a more convenient time and location. Thus, the OOS Criteria take on the character of enforcement tolerances,

The FHWA is responding today, however, to a growing perception within the industry that the CVSA OOS

²The out-of-service history is drawn from the nearly 2 million vehicle inspections which are performed each year by the States participating in the MCSAP. If a motor carrier experiences a ratio of out-of-service inspections to "clean" inspections of 34 percent or greater (minimum of 3 inspections), the initial rating for the Vehicle Factor is Conditional. The FHWA believes setting the ratio, commonly called the "out-of-service rate," at 34 percent is appropriate because the national average is 33 percent.

For a more detailed explanation of the Safety Fitness Rating Methodology, please consult FHWA Docket No. 94-22; FHWA-97-2252 (59 FR 47203), and see two notices: (1) Notice of Proposed Rulemaking, Safety Fitness Procedures; Safety Ratings, May 28, 1997 (62 FR 28826), and (2) Final Rule, Safety Fitness Procedures, November 6, 1997 (62 FR 60035).

Criteria play a significant role in the enforcement of the FMCSRs, and that publication of the criteria as a part of the FMCSRs is therefore warranted. The FHWA believes that the time has come for a full discussion of the OOS Criteria: what are they; what is their purpose; how are they used; who is responsible for implementing them; and whether they are regulatory or merely guides for the use of necessary discretion in the enforcement of motor carrier safety.

The FHWA is undertaking this action because there has been criticism of the manner in which the CVSA OOS Criteria are currently utilized. On May 1, 1989, the Maine State Police petitioned the FHWA to incorporate the CVSA OOS Criteria by reference within the FMCSRs. On October 29, 1993, the CVSA petitioned the FHWA to define "out-of-service criteria," and incorporate the CVSA OOS Criteria into the FMCSRs by reference. On June 13, 1994, the OOIDA filed a motion with the FHWA to stay the imposition of certain final FHWA rules pertaining to penalties for violation of out-of-service orders, and cited in support of its motion the failure of the FHWA to formally incorporate these standards within the FMCSRs (FHWA Docket No. MC-92-13; FHWA-97-2279 at 59 FR 28022).

On April 20, 1995, the National Tank Truck Carriers, Inc. petitioned the FHWA to propose a rulemaking to establish the OOS Criteria as an appendix to the FMCSRs. On June 10, 1997, the FHWA granted the NTTC's petition, stating as part of the order entered that the FHWA would "publish a rulemaking to discuss the entire issue and propose a resolution." This ANPRM initiates that rulemaking.

Public comment on the issues raised in this ANPRM will assist the FHWA in determining whether any further regulatory action is required.

What Should be the Future Scope and Effect of the OOS Criteria?

1. **Maintain** the current FHWA policy. As stated above, the FHWA uses the current CVSA OOS Criteria in several ways. The FHWA has treated these criteria as enforcement tolerances, as guidelines for its own staff, and as acceptable alternatives for States to use in their State Enforcement Plans adopted under the Motor Carrier Safety Assistance Program. Although these criteria are mentioned in the Federal Motor Carrier Safety Regulations (see, e.g., 49 CFR sections 383.5 and 390.5, definitions of "out-of-service orders"), the criteria themselves have not been adopted by the FHWA pursuant to notice and comment rulemaking. As

noted above, some industry **representatives believe** that the FHWA's use of these criteria has evolved to the **point** where adoption of the criteria pursuant to notice and comment **rulemaking is** warranted and desirable.

As part of this **rulemaking**, the FHWA will consider the scope and effect of the **OOS criteria** and the use to which the FHWA puts these criteria. One possible alternative **is** to limit the use of the **criteria** in ways that do not **require** adoption of the criteria as regulations. Under its current policy, the FHWA considers the **OOS criteria** to be a **tool** to determine whether **violations** of the FMCSRs (or **compatible** State safety regulations) are so **serious** as to warrant ordering a motor carrier to cease using the **driver or vehicle in question**. The criteria themselves do not **establish** separate standards of conduct for regulated entities, nor is it intended that use of the **criteria** excuses other less serious **violations** of applicable safety **regulations**.

Accordingly, comment is requested on the fundamental question of how the FHWA should use any **OOS criteria**. Comment is also solicited on the **desirability** of adopting the **OOS criteria** after notice and opportunity for comment, even if such **opportunity** for further **public participation is** not **required**.

2. Adoption of the OOS Criteria in the FMCSRs.

Comment is requested on the **alternative** of adopting the **OOS criteria** as part of the Federal Motor Carrier Safety Regulations, either because of the use to **which** the criteria **is** or should **be** put or because of the **desirability** of the **opportunity** for **public participation** inherent in the process of adopting these criteria as Federal **regulations**. If the FHWA should adopt out-of-service criteria by regulation, can the FHWA avoid undermining the general principle that compliance **with** all applicable safety regulations is required? Should the FHWA specifically require the use of such federally adopted **out-of-service** criteria by States as a **condition** of MCSAP, or could the adopted criteria be one of several acceptable sets of criteria States could use? How would, or should, adoption of such criteria **limit** the **discretion** of Federal and State safety investigators to address discovered driver and **vehicle** safety **violations** at the roadside? Should investigators be limited to **issuing out-of-service** orders only to cases that expressly meet the adopted criteria? Should **investigators** be required to issue out-of-service orders in all cases where the criteria are met? How much discretion should investigators retain to

address safety hazards discovered at the roadside that may not be precisely covered in the adopted criteria?

3. How should out-of-service criteria be adopted?

In **addition** to the **basic** question of whether the FHWA should adopt these **criteria as regulations**, the FHWA is requesting comment on the most desirable way to accomplish any such adoption. As **explained** above, the **existing** criteria are developed by the CVSA. **Section 12** of Pub. L. 104-113 (see **5 U.S.C. 272** note) directs **agencies** to use technical standards that are developed or adopted by voluntary consensus standards bodies. The FHWA appreciates the work done by the CVSA in **maintaining** the current criteria, and **recognizes** the value of that effort. The FHWA **is** also mindful of the role of the States in the MCSAP program and the **desirability** of using State-developed criteria or standards in the MCSAP program whenever possible. Therefore, the FHWA is seeking **specific** comment on how the FHWA should adopt any out-of-service criteria. Should the FHWA, for example, **consider adopting** the CVSA criteria and **incorporating** them in the FMCSRs, either as an appendix to the FMCSRs or by seeking approval from the Director of the **Office** of the Federal Register to incorporate by reference the CVSA criteria into the **FMCSRs**? Should the FHWA set forth the text of any **criteria** adopted in the **body** of its safety regulations? What **implications**, if any, would there be for continued State development of **out-of-service** criteria if the FHWA adopts separate criteria or incorporates **existing** criteria? How can the FHWA best address the federalism **implications** of adopting out-of-service **criteria** that may be used by the States **which** have concurrent motor carrier safety **jurisdiction**? How can national **uniformity** be promoted, and how can maximum State and industry **acceptance** of the **criteria** be **gained** by any **proposed alternative adoption** method?

Request for Comments

A copy of the CVSA **OOS criteria** has been placed in the docket and may be accessed and viewed **electronically** following the instructions provided at the **beginning** of the Supplementary **Information section** of this ANPRM. Copies of the **OOS Criteria** may also be obtained at **offices** of the Federal **Highway Administration's** Office of Motor **Carriers** located in each State. The telephone numbers of the State **offices** may be obtained by telephoning 1-800-832-5660.

The FHWA invites public comment on the **OOS Criteria**: What are they? Who should be responsible for **implementing** them? How should they be used? Are they appropriate for regulatory treatment, or should they remain as guides to the enforcement of motor carrier safety by **participating jurisdictions**? What should the scope and effect of the **OOS Criteria** be? Should they be referred to in the **FMCSRs**? If so, in what manner? Should they continue to be used in safety fitness **determinations**? The FHWA welcomes the presentation of **alternatives** to the approaches outlined in this document. The FHWA is not, however, seeking comment on the substance of the **OOS Criteria** at this **time**.

Rulemaking Analyses and Notices

All comments received before the close of business on the comment **closing** date indicated above **will** be considered and **will** be available for **examination** in the docket **room** at the above address. Comments received after the comment **closing** date **will** be filed in the docket and will be considered to the extent practicable. **In addition** to late comments, the FHWA **will** also **continue** to file in the docket relevant **information** that becomes available after the comment **closing** date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has **determined** that this **action** is not significant **within** the meaning of Executive Order 12666 or significant **within** the meaning of Department of Transportation regulatory **policies** and procedures. Due to the **preliminary nature** of this document and lack of necessary **information** on **costs**, the FHWA is unable to evaluate the **economic** impact of the potential **regulatory** changes being considered in this **rulemaking**. Based on the **information received** in response to this notice, the FHWA intends to carefully consider the costs and benefits **associated** with various alternative requirements. Comments, **information**, and data are **solicited** on the economic impact of any potential change.

Regulatory Flexibility Act

Due to the preliminary nature of this document and lack of necessary information on costs, the FHWA is unable to evaluate the effects of the potential regulatory changes on small **entities**. Based on the **information received** in response to this notice, the

FHWA intends, in **compliance** with the Regulatory Flexibility Act (5 U.S.C. 601-612), to carefully consider the economic impact of these potential changes on small entities. The FHWA solicits comments, information and data on these **impacts**.

Unfunded Mandates Reform Act

The FHWA will analyze any proposed rule to determine whether it would result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of **\$100 million** or more in any one year, as required by the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532).

Executive Order 12612 (Federalism Assessment)

This action has been analyzed using the **principles** and **criteria** contained in Executive Order 12612. Because of the **preliminary** nature of this document, it is not possible to **determine** whether this proposal **will have sufficient federalism implications** to warrant the preparation of a federalism **assessment**. The FHWA is **presenting** this **rulemaking** as an **opportunity** to air complex **issues**.

These issues appear to have federalism **implications**. For example, adoption by the FHWA of the **OOS Criteria** as part of the **FMCSRs** would have an effect on States and **municipalities**. By making the **OOS Criteria** a part of the **FMCSRs**, the FHWA would be exercising control over those **criteria**. The CVSA **might** experience a **diminished** role in the development of policy standards for the **exercise** of enforcement **discretion**. Its member States **might likewise** experience a reduced role in their **relationships** with the Federal government. **Incorporation** by reference **within** the **FMCSRs** might have less of a **federalism** impact. The FHWA would have to conduct a rulemaking whenever the CVSA developed **revisions** of the **OOS Criteria**. But, because the language of the **OOS Criteria** would be more directly under the control of the CVSA, the federalism impact would be less than in the first approach. **Maintaining** the current policy would appear to have minimal federalism impact. The State-Federal partnership which has been operative in **this** area would presumably continue, and the CVSA and its member States would **continue** to play a large role in the **maintenance** of the **OOS Criteria**.

Executive Order 12372 (Intergovernmental Review)

The **regulations** implementing Executive Order 12372 regarding

intergovernmental consultation on Federal programs and **activities** do not apply to this program. Catalog of Federal Domestic Assistance Program Number 20.2 17, Motor Carrier Safety.

Paperwork Reduction Act

This action does not contain a collection of **information** requirement for purposes of the Paperwork Reduction Act of 1995. 44 U.S.C. 3501-3520.

National Environmental Policy Act

The agency has analyzed this action for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and it has determined that this action would not have any effect on the **quality** of the environment.

Regulation Identification Number

A regulation **identification** number (**RIN**) is assigned to each regulatory action listed in the **Unified Agenda** of Federal Regulations. The **Regulatory Information Service Center** publishes the **Unified Agenda** in April and October of each year. The **RIN** contained in the **heading** of **this** document can be used to cross reference this action with the **Unified Agenda**.

List of Subjects

49 CFR Part 395

Highway safety. Motor **carriers**, **reporting** and recordkeeping requirements.

49 CFR Part 396

Highway safety. Motor carriers. Motor **vehicle** safety. **Reporting** and recordkeeping requirements.

Authority: 49 U.S.C. 31133, 31136, 31310, and 31502; sec. 345, Pub. L. 104-59, 109 Stat. 568, 613; and 49 CFR 1.48.)

Issued on: July 10, 1998.
Kenneth R. Wykle,
Federal Highway Administrator.
[FR Doc. 98-19153 Filed 7-17-98; 8:45 am,
BILLING CODE 4910-22-P

APPENDIX A
NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA

APRIL 1, 1998

COMMERCIAL VEHICLE SAFETY ALLIANCE

Part I - North American Uniform Driver Out-of-Service Criteria	Pages 2 - 6
Part II - North American Uniform Vehicle Out-of-Service Criteria	Pages 7 - 38
Part III - North American Hazardous Materials Out-of-Service Criteria	Pages 39 - 42

THIS DOCUMENT REPLACES AND SUPERSEDES ALL PREVIOUS
OUT-OF-SERVICE CRITERIA

Rev. 4/98

CVSA OUT-OF-SERVICE CRITERIA
APRIL 1, 1998

PART I - DRIVER

<u>DESCRIPTION</u>	<u>MANUAL PAGE</u>
DRIVER'S AGE	3
CDL	3
DRIVER QUALIFICATION/DISQUALIFICATION	4
SUBSTANCE ABUSE (DRUGS/ALCOHOL)	5
DUTY STATUS (HOURS OF SERVICE)	5

PART II - VEHICLE

BRAKE SYSTEMS	
DEFECTIVE	8
ADJUSTMENT LIMITS	9
LININGS/PADS	9
ADJUSTMENT LIMIT CHARTS	10,11
STEERING AXLE	12
PARKING BRAKE	13
BREAKAWAY SYSTEM	13
DRUMS/DISCS	13
HOSE	14
TUBING	14
LOW PRESSURE DEVICE	14
AIR LOSS RATE	14
TRACTOR PROTECTION SYSTEM	15
AIR RESERVOIR	15
AIR COMPRESSOR	15
ELECTRIC	15
HYDRAULIC	15
VACUUM	16
COUPLING DEVICES	
FIFTH WHEELS	16
LOWER COWLER	16
WPER COUPLER	17
PINTLE HOOKS	18
DRAWBAR EYE	19
DRAWBAR/TONGUE	19
SAFETY DEVICES	20
SADDLEMOUNTS	20
TURNTABLES	20

<u>DESCRIPTION</u>	<u>MANUAL PAGE</u>
EXHAUST SYSTEM	21
FRAMES	
MEMBERS	21
WHEEL CLEARANCE	22
ADJUSTABLE AXLES	22
FUEL SYSTEM	22
HEADLAMPS, TAIL LAMPS, LAMPS ON PROJECTING LOADS, STOP LAMPS AND TURN SIGNALS WHEN REQUIRED	22
ANYTIME	23
SAFE LOADING/TIEDOWNS	23
STEERING	
WHEEL FREE PLAY	28
COLUMN	28
FRONT AXLE (INCLUDING HUB)	28
GEAR BOX	28
PITMAN ARM	29
POWER	29
BALL & SOCKET JOINTS	29
TIE ROD/Drag LINKS	29
NUTS	29
SYSTEM	30
C-DOLLY	30
SUSPENSION	
AXLE PARTS/MEMBERS	30
SPRING ASSEMBLY	30
COIL/RUBBER SPRING AND AIR SUSPENSION	31
COMPOSITE	31
TORQUE/RADIUS/TRACKING COMPONENTS	33
TIRES	
STEERING AXLE	33
OTHER	34

<u>DESCRIPTION</u>	<u>MANUAL PAGE</u>
VAN AND OPEN-TOP TRAILER BODIES	
UPPER RAIL	35
LOWER RAIL	35
FLOOR CROSSMEMBERS	36
SIDE PANELS	36
WHEELS AND RIMS	37
WINDSHIELD WIPERS	38
BUSES	
EMERGENCY EXITS	38
PART III - HAZARDOUS MATERIALS	
SHIPPING PAPERS	40
PLACARDING	40
BULK PACKAGES	40
BULK PACKAGE MARKINGS	41
PIH MARKINGS	41
NON-BULK PACKAGES	41
LOADING & SECUREMENT	42
FORBIDDEN ITEMS	42
RADIOACTIVE MATERIALS	42

APPENDIX A
Part I

NORTH AMERICAN UNIFORM DRIVER
OUT-OF-SERVICE CRITERIA

POLICY STATEMENT

The purpose of this part is to identify violations that render the commercial motor vehicle operator unqualified to drive or out-of-service. The necessity for all enforcement personnel to implement and adhere to these standards is: **(1)** a matter of law; **(2)** perceived as necessary by the society we are charged with protecting, and **(3)** a professional obligation if substantial enhancement in the safety of commercial motor vehicle operators is to be achieved.

Except where state, provincial, or federal laws preclude **enforcement** of a named item, motor carrier safety enforcement personnel and their jurisdictions shall comply with these driver out-of-service violation standards.

OUT-OF-SERVICE VIOLATION: Violations under this category preclude further operation of a commercial motor vehicle by its driver for a specified period of time or for some violations until a required condition is met. An example of the former standard is hours of service violations. *

1. DRIVER'S AGE

Is not at least 21 years of age (391.11(b)(1) or is not exempted under 390.3(f) or **391.2. Place driver out-of-service.**

2. **{*} OPERATOR'S/CHAUFFEUR'S LICENSE OR PERMIT (NON-CDL)**

- a. Vehicle 26,000 lbs. or less GVWR not designed to transport 16 or more passengers or placarded loads of hazardous materials.

Is not licensed for the type of vehicle being operated. **Place driver out-of-service.** (Out-of-service action to be initiated only upon home state license verification.) (391.11(b)(7))

- b. Endorsements and restrictions

Operating a commercial vehicle without proper endorsement or in violation of restrictions. (391.11(b)(7)) **Place driver out-of-service.**

NOTE: Canadian operator's license endorsements are included in the class. Transporting dangerous goods requires a training certificate. **Place driver out-of-service if not in possession.**

NOTE: Mexican drivers must have a Category E license to transport hazardous materials. All other endorsements are included in the-class. **Place driver out-of-service if not in possession.**

3. CDL

- a. License

Does not possess a valid CDL issued by his/her state or jurisdiction of domicile. **Place driver out-of-service.** (Out-of-service action to be initiated only upon home state license verification.) (383.23(a)(2))

NOTE: Canadian operators not possessing a valid Provincial or Territorial license of the correct class. **Place driver out-of-service.**

NOTE: Mexican operators who do not possess the new Licencia Federal. (Can be recognized by the medallion in the upper left hand corner containing the Mexican national symbol of an eagle with a serpent. The words Licencia Federal de Conductor and logo SCT are also on the front of the license. **Place driver out-of-service if not in possession.**

{*}Rev. 4/98

b. Learners permit

Is not accompanied by the holder of a valid CDL. (383.23(c)) **Place driver out-of-service.**

c. Endorsements and restrictions

Operating a commercial vehicle without proper endorsements or in violation of restrictions. (383.23(a)(2)), (391.11(b)(7)) **Place driver out-of-service.**

NOTE: Canadian operator's license endorsements are included in the class. Transporting dangerous goods requires a training certificate. **Place driver out-of-service if not in possession of training certificate.**

NOTE: Mexican drivers must have a Category E license to transport hazardous materials. All other endorsements are included in the class.

d. Classification

Does not possess proper class of license for vehicle being operated. (383.91(a)) **Place driver out-of-service.**

4. DRIVER WAIVER

a. Waiver of physical disqualification

No waiver of physical disqualification in possession, when required. (391.49(j)) **Place driver out-of-service.**

b. Medical Certificate

Operating a commercial vehicle without corrective lenses or hearing aid as indicated on the driver's medical certificate. (392.9(b)), (391.11(b)(6)) **Place driver out-of-service.**

5. SICKNESS OR FATIGUE

When so impaired that the driver should not continue the trip. (392.3) **Place driver out-of-service until no longer impaired.**

6. DRIVER DISQUALIFICATION

Driver disqualification under the provisions of (383.51(a)) or 391.15(a) **Place driver out-of-service until requalification is established.**

7. DRUGS AND OTHER SUBSTANCES; AS IDENTIFIED UNDER SECTION 392.4(a).

a. Shall not be in possession

Is in possession. (392.4(a)) **Place driver out-of-service for 24 hours.**

b. Shall not be under the influence

Is under the influence, with probable cause. (392.4(a)) **Place driver out-of-service for 24 hours.**

8. INTOXICATING BEVERAGES

Under the influence of intoxicating beverage, consumes an intoxicating beverage regardless of its alcohol content, or have any measured alcohol concentration or any detected presence of alcohol while on duty, or operating or in physical control of a motor vehicle. (392.5(a)) **Place driver out-of-service for 24 hours.**

Be on duty or operate a motor vehicle while the driver possesses an intoxicating beverage, regardless of its alcohol content. (392.5(a)) **Place driver out-of-service for 24 hours.**

9. DRIVERS RECORD OF DUTY STATUS * , *** , ****

Driving more than ten (10) hours following eight consecutive hours off duty. (395.3(a)(1)) **Place driver out-of-service for eight consecutive hours.**

10. DRIVER'S RECORD OF DUTY STATUS * , ****

Driving for any period after having been on duty fifteen (15) hours following eight (8) consecutive hours off duty. (395.3(a)(2)) **Place driver out-of-service for eight consecutive hours.**

11. DRIVER'S RECORD OF DUTY STATUS * , ****

Driving after being on duty more than 60 hours in 7 consecutive days **or 70 hours in 8 consecutive days.** (395.3(b)) **Place driver out-of-service until such time as eligibility to drive is reestablished.**

NOTE: Canada: Driving after being on duty more than 120 hours in 14 consecutive days.

12. DRIVER'S RECORD OF DUTY STATUS

No record of duty status in possession when one is required. (395.8(a))
Place driver out-of-service for eight consecutive hours.

13. DRIVER'S RECORD OF DUTY STATUS **

Failing to have' in possession a record of duty status for the previous seven consecutive days. (395.8(k)(2)) See Exception (395.13(b)(3)) **Place driver out-of-service for eight consecutive hours.**

14. DRIVER'S RECORD OF DUTY STATUS

A record of duty status that does not accurately reflect the driver's actual activities and duty status (including time and location of each duty status change and the time spent in each duty status) in an apparent attempt to conceal a violation of an hours of service limitation. **(395.8(e)) Place driver out-of-service for eight consecutive hours.**

- * (a) Drivers involved in sleeper berth operations (sleeper teams) placed out-of-service for "hours" violations may be replaced by a **co-driver**, if the co-driver has hours available to drive.
- (b) A solo driver using a sleeper berth to obtain rest who exceeds the hours of service limitations shall be placed out-of-service until said driver has hours available to drive.

• ☒ Exception (395.13(b)(3)) A driver failing only to have possession of a record of duty status current on the day of examination and the prior day, but has completed records of duty status up to that time (previous 6 days) will be given the opportunity to make the duty status record current.

*** All drivers operating CMVs in Canada may drive 13 hours.

**** Drivers operating north of the 60th parallel (Alaska - Canada) 15 hours driving time, 20 hours on duty time, 70 hours in 7 consecutive days and 80 hours in 8 consecutive days.

APPENDIX A
Part II

NORTH AMERICAN UNIFORM VEHICLE
OUT-OF-SERVICE CRITERIA

POLICY STATEMENT

The purpose of this part is to identify critical vehicle inspection items and provide criteria for placing vehicles out-of-service subsequent to a safety inspection.

NOTE: Decal Qualification: Each vehicle (bus, truck, truck tractor, semitrailer, trailer, etc.) must “pass” inspection to qualify for a decal. “Pass Inspection” means that no violations/defects are found of the vehicle inspection items contained in the definitions of Level I and Level V inspections. Said definitions of Level I and Level V inspections can be found in Article XVIII of the CVSA Bylaws. For the purpose of decal issuance, if no violation is detected during a Level I or Level V inspection due to a hidden part, which includes the vehicle inspection items listed in the definitions, a decal shall be applied.

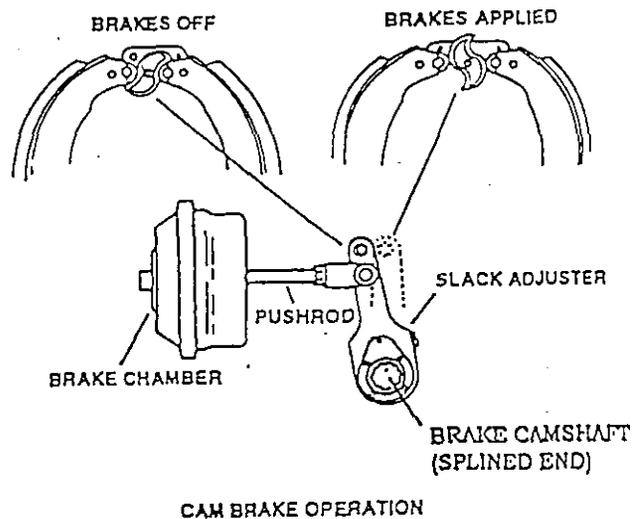
OUT-OF-SERVICE: Authorized personnel shall declare and mark “out of service” any motor vehicle which by reason of its mechanical condition or loading would be likely to cause an accident or breakdown. An “Out of Service Vehicle” sticker shall be used to mark vehicles “out of service”. No motor carrier shall require nor shall any person operate any commercial motor vehicle declared and marked “out of service” until all repairs required by the “out of service notice” have been satisfactorily completed.

No person shall remove the “Out of Service Vehicle” sticker from any motor vehicle prior to completion of all repairs required by the “out of service notice”.

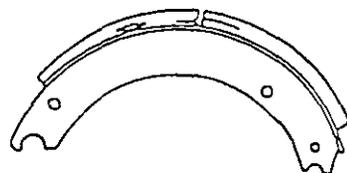
Violations, other than out of service conditions, detected during the inspection process will not preclude the completion of the current trip or dispatch. However, such violations must be corrected or repaired prior to redispach.

1. BRAKE SYSTEM

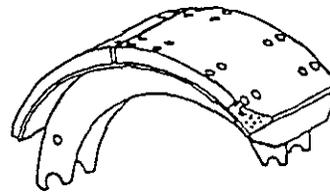
- a. Defective Brakes: The number of defective brakes is equal to or greater than 20 percent of brakes on the vehicle or combination. A defective brake includes any brake that meets one of the following criteria.
NOTE: Steering axle brakes under 1.b. are to be included in the 20 percent criterion.
- (1) Absence of effective braking action upon application of the service brakes (such as brake linings **failing** to move or contact braking surface upon application). (393.48(a))
 - (2) Missing or broken mechanical components including: shoes; linings; pads; springs; anchor pins; spiders; cam rollers; pushrods, and air chamber mounting bolts. (393.48(a))
 - (3) Loose brake components including air chambers, spiders and cam shaft support brackets. (393.48(a))
 - (4) Audible air leak at brake chamber. (Example: ruptured diaphragm, loose chamber clamp, etc.) NOTE: Also check under 1.h. - Air Loss Rate. (39&3(a)(1))



- (5) Brake adjustment limits. Bring reservoir pressure between 90 and 100 psi, turn engine off and then fully apply the brakes.
- (a) One brake at 1/4 inch or more beyond the adjustment limit. (Example: Type 30 clamp type brake chamber pushrod measured at 2-1/4 inches would be one defective brake.) (3963(a)(1))
 - (b) Two brakes less than 1/4 inch beyond the adjustment limit also equal one defective brake. (Example: Type 30 clamp type brake chamber pushrods measure - Two at 2-1/8 inches.) This example would equal one defective brake. (3963(a)(1))
 - (c) Any wedge brake where the combined brake lining movement of both top and bottom shoes exceeds 1/8 inch.
- (6) Brake linings or pads. (Except on power unit steering axles.)
- (a) Cracked, loose or missing lining.
 - i. Lining cracks or voids of 1/16" in width observable on the edge of the lining.
 - ii. Portions of a lining segment missing such that a fastening device (rivet or bolt) is exposed when viewing the lining from the edge.
 - iii. Cracks that exceed 1-1/2" in length.
 - iv. Loose lining segments. (Approximately 1/16" or more movement.)



Out-of-Service:
Cracks or voids that exceed 1/16" in width.
Cracks that exceed 1 1/2" in length.



Out-of-Service:
Portion of lining missing that exposes a fastening device.

COMMERCIAL VEHICLE SAFETY ALLIANCE
NORTH AMERICAN UNIFORM OUT-OF-SERVICE CRITERIA
REFERENCE CHARTS

Reference: Paragraph 1.a. of Part II of the Out-of-Service Criteria

Brake Adjustment: Shall not exceed those specifications contained hereunder relating to "Brake Adjustment Limit". (Dimensions are in inches.)

CLAMP TYPE BRAKE CHAMBER DATA

<u>TYPE</u>	<u>OUTSIDE DIAMETER</u>	<u>BRAKE ADJUSTMENT LIMIT</u>
6	4-1/2	1-1/4
9	5-1/4	1-3/8
12	5-11/16	1-3/8
16	6-3/8	1-3/4
20	6-25/32	1-3/4
24	7-7/32	1-3/4
30	8-3/32	2
36	9	2-1/4

NOTE: A brake found at the adjustment hit is not a violation.

'LONG STROKE' CLAMP TYPE BRAKE CHAMBER DATA

<u>TYPE</u>	<u>OUTSIDE DIAMETER</u>	<u>BRAKE ADJUSTMENT LIMIT</u>
16	6-3/8	2.0
20	6-25/32	2.0
24	7-7/32	2.0
24*	7-7.32	2.5
30	8-3/32	2.5

• For 3" maximum stroke type 24 chambers

NOTE: A brake found at the adjustment limit is not a violation.

TIE ROD STYLE PISTON BRAKE CHAMBER DATA

<u>SIZE</u>	<u>OUTSIDE DIAMETER</u>	<u>BRAKE ADJUSTMENT LIMIT</u>
30	6-1/2 (165mm)	2.5 (64mm)

NOTE: A brake found at the adjustment Limit is not a violation

BOLT TYPE BRAKE CHAMBER DATA

<u>TYPE</u>	<u>OUTSIDE DIAMETER</u>	<u>BRAKE ADJUSTMENT LIMIT</u>
A	6-15/16	1-3/8
B	9-3/16	1-3/4
C	8-1/16	1-3/4
D	5-1/4	1-1/4
E	6-3/16	1-3/8
F	11'	2-1/4
G	9-7/8	2

NOTE: A brake found at the adjustment limit is not a violation.

ROTOCHAMBER DATA

<u>TYPE</u>	<u>OUTSIDE DIAMETER</u>	<u>BRAKE ADJUSTMENT LIMIT</u>
9	4-9/32	1-1/2
12	4-13/16	1-1/2
16	5-13/32	2
20	5-15/16	2
24	6-13/32	2
30	7-1/16	2-1/4
36	7-5/8	2-3/4
50	8-7/8	3

NOTE: A brake found at the adjustment limit is not a violation.

DD-3 BRAKE CHAMBER DATA

<u>TYPE</u>	<u>OUTSIDE DIAMETER</u>	<u>BRAKE ADJUSTMENT LIMIT</u>
30	8-1/8	2-1/4

NOTE: This chamber has three air lines and is found on motor coaches.

NOTE: A brake found at the adjustment limit is not a violation.

WEDGE BRAKE DATA

The combined movement of both brake shoe lining scribe marks shall not exceed 1/8 inch. (3.18mm).

- v. Complete lining segment missing. (393.47)
- (b) Evidence of oil seepage into or out of the brake lining/drum interface area. This must include wet contamination of the lining edge accompanied by evidence that further contamination will occur - such as oil running from the drum or a bearing seal.
NOTE: Grease on the lining edge, back of shoe, or drum edge and oil stains with no evidence of fresh oil leakage are not conditions for out-of-service. (393.47)
- (c) Air Brakes: Lining with a thickness less than 1/4 inch or to wear indicator if lining is so marked, measured at the shoe center for drum brakes or less than 1/8 inch for disc brakes. (393.47)
- (d) Hydraulic & electric brakes: Lining with a thickness 1/16 inch or less at the shoe center for disc or drum brakes. (393.47)
- (7) Missing brake on any axle required to have brakes. (393.42)
- b. Steering Axle Brakes: In addition to being included in the 20 percent criterion, the following criteria places a vehicle in an out-of-service condition:
 - (1) Absence of effective braking action on any steering axle of any vehicle required to have steering axle brakes, including the dolly and front axle of a full trailer. (393.48(a))
 - (2) Mismatch across any power unit steering axle of:
 - (a) Air chamber sizes. (3963(a)(1))
 - (b) Slack adjuster length. (306.3(a)(1))
 - (3) Brake linings or pads on the steering axle of any power unit:
 - (a) Cracked, loose, or missing lining,
 - i. Lining cracks or voids of 1/16" in width observable on the edge of the lining.
 - ii. Portions of a lining segment missing such that a fastening device (rivet or bolt) is exposed when viewing the lining from the edge.

- iii. Cracks that exceed 1-1/2" in length
- iv. Loose lining segments. (Approximately 1/16" or more movement)
- v. Complete lining segment missing. (393.47)

(b) Evidence of oil seepage into or out of the brake lining/drum interface area. This must include wet contamination of that lining edge accompanied by evidence further contamination will occur - such as oil running from the drum or bearing seal.
NOTE: Grease on the lining edge, back of shoe, or drum edge and oil stains with no evidence of fresh oil leakage are not conditions for out-of-service. (393.47)

(c) Lining with a thickness less than 3/16 inch for a shoe with a continuous strip of lining or 1/4 inch for a shoe with two pads for drum brakes or to wear indicator if lining is so marked, or less than 1/8 inch for air disc brakes, and 1/16 inch or less for hydraulic, disc, drum and electric brakes. (393.47)

c. Parking Brakes

- (1) Inoperable breakaway braking system on trailer(s). NOTE: No trailer brake application upon actuation of the parking brake control indicates an inoperable breakaway braking system. (See item "i", page 15)
- (2) Any non-manufactured holes or cracks in the spring brake housing section of a parking brake. (396.3(a)(1))

d. Brake Drums or Rotors (Discs)

- (1) Drums with any external crack or cracks that open upon brake application. NOTE: Do not confuse short hairline heat check cracks with flexural cracks. (396.3(a)(1))
- (2) Any portion of the drum or rotor (discs) missing or in danger of falling away. (396.3(a)(1))

e. Brake Hose

- (1) Hose with any damage extending through the outer reinforcement ply. (Rubber impregnated fabric cover is not a reinforcement ply) (Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is out-of-service) (396.3(a)(1))
- (2) Bulge/swelling when air pressure is applied. (396.3(a)(1))
- (3) Hose with audible leak at other than a proper connection. (396.3(a)(1))
- (4) Two hoses improperly joined such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube. (393.46)
- (5) Air hose cracked, broken, or crimped in such a manner as to restrict air flow. (393.45(a)(4))

f. Brake Tubing

- (1) Tubing with an audible leak at other than a proper connection. (396.3(a)(1))
- (2) Tubing cracked, damaged by heat, broken, or crimped. (396.3(a)(1))

g. Low Pressure Warning Device

Low pressure warning device missing, inoperative, or does not operate at 55 psi and below, or 1/2 of the governor cut-out pressure, whichever is less. NOTE: If either an audible or visual warning device is working, vehicle should not be placed out-of-service. (393.51)

h. Air Loss Rate

If an air leak is discovered and the reservoir pressure is not maintained when:

- (1) Governor is cut-in;
- (2) Reservoir pressure is between 80 & 90 psi;
- (3) Engine is at idle, and
- (4) Service brakes are fully applied. (396.3(a)(1))

1. Tractor-Protection

Inoperable or missing tractor protection valves on power unit. (393.43)
See item "c(1), page 13.

j. Air Reservoir

Air reservoir security; separated from its original attachment points.
(393.50)

k. Air Compressor

(Normally to be inspected when readily visible or when conditions indicate compressor problems.)

- (1) Loose compressor mounting bolts. (396.3(a)(1))
- (2) Cracked, broken, or loose pulley. (396.3(a)(1))
- (3) Cracked or broken mounting brackets, braces, or adapters.
(396.3(a)(1))

1. Electric Brakes

- (1) Absence of braking action on 20 percent or more of the braked wheels of a vehicle or combination of vehicles. (393.48(a))
- (2) Missing or inoperable breakaway braking device. (393.48(a))

m. Hydraulic Brakes Including: Power Assist over Hydraulic and Engine Driven Hydraulic Booster)

- (1) No pedal reserve with engine running. (396.3(a)(1))
- (2) Master cylinder less than 1/4 full.
NOTE: Normally to be inspected when readily visible or problems are apparent. (396.3(a)(1))
- (3) Power assist unit fails to operate. (396.3(a)(1))
- (4) Seeping or swelling brake hose(s) under application of pressure.
(396.3(a)(1))
- (5) Missing or inoperable breakaway braking device. (393.43)

- (6) Hydraulic hose(s) abraded (chafed) through outer cover-to-fabric layer. (393.45)
- (7) Fluid lines or connections restricted, crimped, cracked, or broken. (396.3(a)(1))
- (8) Any visually observed leaking hydraulic fluid in the brake system upon full application. (396.3(a)(1))
- (9) Hydraulic System: Brake failure light/low fluid warning light on and/or inoperative. (393.51)

n. Vacuum System

- (1) Insufficient vacuum reserve to permit one full brake application after engine is shut off. (393.50)
- (2) Vacuum hose(s) or line(s) restricted, abraded (chafed) through outer cover-to-cord ply, crimped, cracked, broken, or has collapse of vacuum hose(s) when vacuum is applied. (396.3(a)(1))

2. COUPLING DEVICES (WHEN IN USE)

a. Fifth Wheels (Lower Coupler Assembly)

- (1) Mounting to frame
 - (a) More than 20 percent of fasteners on either side missing or ineffective. (393.70)
 - (b) Any movement between mounting components. (393.70)
 - (c) Any mounting angle iron cracked or broken. SPECIAL NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load-bearing areas, cracks through 20 percent or more original welds or parent metal. (393.70)
- (2) Mounting plates & pivot brackets
 - (a) More than 20 percent of fasteners on either side missing or ineffective. (393.70)

- (b) Any welds or parent metal cracked. SPECIAL NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load-bearing areas, cracks through 20 percent or more original welds or parent metal. (393.70)
 - (c) More than 3/8 inch horizontal movement between pivot bracket pin and bracket. (393.70)
 - (d) Pivot bracket pin missing or not secured. (393.70)
- (3) Sliders
- (a) More than 25 percent of latching fasteners, per side, ineffective. (393.70)
 - (b) Any fore or aft stop missing or not securely attached. (393.70)
 - (c) Movement of more than 3/8 inch between slider bracket and slider base. (393.70)
- (4) Operating handle
- Operating handle not in closed or locked position. (393.70)
- (5) Fifth wheel plate
- Cracks in fifth wheel plate. (393.70) SPECIAL NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load-bearing areas, cracks through 20 percent or more original welds or parent metal.
- EXCEPTIONS: (1) Cracks in fifth wheel approach ramps, and (2) casting shrinkage cracks in the ribs of the body of a cast fifth wheel.
- (6) Locking mechanism
- Locking mechanism parts missing, broken, or deformed to the extent the kingpin is not securely held. (393.70)
- b. Upper Coupler Assembly: (Including Kingpin)
- (1) Horizontal movement between the upper and lower fifth wheel halves exceeds 1/2 inch. (393.70)

- (2) Kingpin can be moved by hand in any direction. NOTE: This item is to be used when uncoupled semitrailers are encountered, such as at a terminal inspection, and it is impossible to check item (1) above. Kingpins in coupled vehicles are to be inspected using items (1) above and items (3) and (4) below. Vehicles are not to be uncoupled. (393.70)
- (3) **Kingpin not** properly engaged. (393.70)
- {*} (4) Any semitrailer with a bolted upper coupler having fewer effective bolts than shown in the following table. MINIMUM TOTAL QUANTITY OF BOLTS. (Total minimum quantity of bolts must be equally divided with 1/2 on each side of the coupler.

BOLT SIZE

<u>1/2 c h</u>	<u>5/8 inch or larger</u>
10 - (5 each side)	8 - (4 each side)

- (5) Any welds or parent metal cracked. SPECIAL NOTE: Any repair weld cracking, well defined (especially open) cracks in stress or load-bearing areas, cracks through 20 percent or more original welds or parent metal. (393.70)

c. Pintle Hooks

Mounting and integrity

- (1) Loose mounting, missing or ineffective fasteners, or insecure latch. (Trailer - 393.70(c), Driveaway - 393.71)
NOTE: A fastener is not considered missing if there is an empty hole in the device but no corresponding hole in the frame and vice versa.
- (2) Cracks anywhere in the pintle hook assembly including mounting surface and frame cross member. (Trailer - 393.70(c), Driveaway - 393.71)
- (3) Any welded repairs to the pintle hook assembly. (Trailer - 393.70(c), Driveaway - 393.71)

(*) Rev. 4/98

- (4) Section reduction visible when coupled. NOTE: No part of the horn should have any section reduced by more than 20 percent. If wear can be seen when the hook and eye are coupled it is possible that either this condition or that described below in “d(3)” exists. (Trailer - 393.70(c), Driveaway - 393.71)

d . Drawbar Eye

Mounting and integrity

- (1) Any cracks in attachment welds or drawbar eye. (Trailer- 393.70(c), Driveaway - 393.71)
- (2) Any missing or ineffective fasteners. (Trailer - 393.70(c), Driveaway - 393.71)
- (3) Any welded repairs to the drawbar eye. (Trailer - 393.70(c), Driveaway - 393.71)
- (4) Section reduction visible when coupled. NOTE: No part of the eye should have any section reduced by more than 20 percent. If wear can be seen when the hook and eye are coupled, it is probable that either this condition or that described above in “c(4)” exists. (Trailer - 393.70(c), Driveaway - 393.71)

e. Drawbar/Tongue

- (1) Slider (power/manual)
 - (a) Ineffective latching mechanism. (Trailer - 393.70(c), Driveaway - 393.71)
 - (b) Missing or ineffective stop. (Trailer - 393.70(c), Driveaway - 393.71)
 - (c) Movement of more than 1/4 inch between the slider and housing. (Trailer - 393.70(c), Driveaway - 393.71)
 - (d) Any leaking air or hydraulic cylinders, hoses, or chambers (other than slight oil weeping normal with hydraulic seals.) (Trailer - 393.70(c), Driveaway - 393.71)

- (2) Integrity
 - (a) Any cracks. (Trailer - 393.70(c), Driveaway - 393.71)
 - (b) Movement of 1/4 inch between sub frame and drawbar at point of attachment. (Trailer - 393.70(c), Driveaway - 393.71)

f. Safety Devices

- (1) Missing. (393.70(c))
- (2) Unattached or incapable of secure attachment. (393.70(c))
- (3) Improper repairs to chains and hooks including welding, wire, small bolts, rope & tape. (393.70(c))

g. Saddle mounts (Method of Attachment)

- (1) Any missing or ineffective fasteners. (393.71)
- (2) Loose mountings. (393.71)
- (3) Any cracks or breaks in a stress or load-bearing member. (393.71)
- (4) Horizontal movement between upper & lower saddle mount halves exceeds 1/4 inch (6mm). (393.71)

h. Full Trailer (Double Ring, Ball-Bearing Turntable)

- (1) Mounting - Top and Bottom
 - {*} (a) Top flange has less than 6 effective bolts. (393.70(c))
 - {*} (b) Bottom flange has less than 6 effective bolts. (393.70(c))
 - (c) Twenty percent or more of original welds (or repaired original welds), or parent metal cracked. (393.70(c))
- (2) Wear
 - (a) Upper flange half touching lower flange half. (393.70(c))
 - (b) Cracked flanges. (393.70(c))

{*{ Rev. 4/98

3. EXHAUST SYSTEM

- {*} a. Any exhaust system, other than that of a diesel engine, leaking at a point forward of or directly below the driver/sleeper compartment and when the floor pan is in such condition as to permit entry of exhaust fumes. (393.83(e))
- {*} b. Any bus exhaust system leaking or discharging under the chassis more than 6 inches forward of the rear most part of the bus when powered by a gasoline engine, or more than 15 inches forward of the rear most part of the bus when powered by other than a gasoline or diesel engine. (393.83(d))
- c. No part of the exhaust system of any motor vehicle shall be so located as to be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle. (393.83(a))

4. FRAME

- a. Frame members
- {*} (1) Any cracked, loose, sagging, or broken frame siderail permitting shifting of the body onto moving parts or other condition indicating an imminent collapse of the frame.; (Bus, truck, t&k tractor - (393.201(a), Trailers - 396.3(a)(1))
- (2) Any cracked, loose, or broken frame member adversely affecting support of functional components such as steering gear, fifth wheel, engine, transmission, body parts and suspension. (Bus, truck, truck tractor - 393.201(a), Trailers - 396.3(a)(1))
- {*} (3) One and one-half inches or longer crack in frame siderail web which is directed toward bottom flange. (Bus, truck, truck tractor - 393.201(a), Trailers - 396.3(a)(1))
- {*} (4) Any crack extending from the frame siderail web around the radius and into the bottom flange. (Bus, truck, truck tractor - 393.201(a), Trailers - 396.3(a)(1))
- {*} (5) One inch or longer crack in siderail bottom flange. (Bus, truck, truck tractor - 393.201(a), Trailers - 396.3(a)(1))

{*} Rev. 4/98

NOTE: Items (1) and (2) above, apply to all buses, including those having unitized (monocoque) construction. Items (3) and (4) apply only to buses having a body-on-chassis design, such as most school buses.

b. Tire and Wheel Clearance

Any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assemblies, at the time of inspection. (396.3(a)(1))

c. Adjustable Axle

Adjustable axle assembly (sliding sub frame) with more than one-fourth of the locking pins missing or not engaged. (393.207(b))

5. FUEL SYSTEM

- {*} a. A fuel system with a dripping leak at any point (including refrigeration or heater fuel systems). (393.67)
- b. A fuel tank not securely attached to the vehicle. NOTE: Some fuel tanks use spring or rubber bushings to permit movement. (393.65)

6. HEADLAMPS, TAIL LAMPS, LAMPS ON PROTECTING LOADS, STOP LAMPS, AND TURN SIGNALS

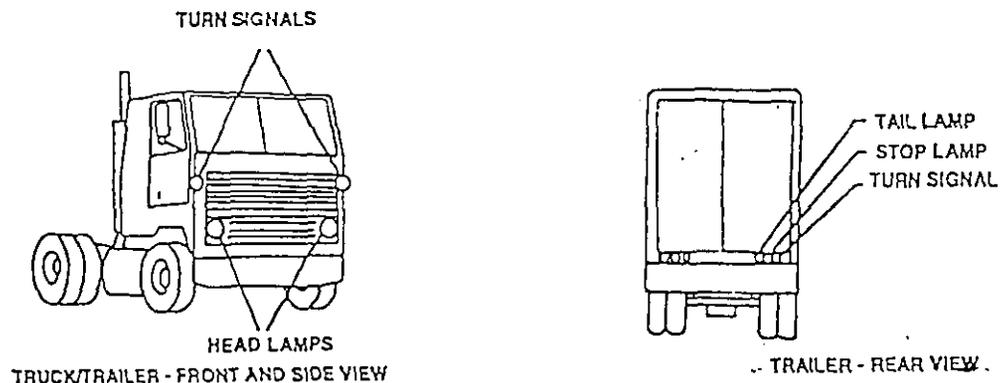
a. When lights are required

- (1) Headlamps - The single vehicle or towing vehicle does not have at least one head lamp operative on low beam. (393.24(b)), (393.17)
- (2) Lamps on rear - Bus, truck, truck tractor, and towed vehicle (including dtiveaway/towaway operations) not having at least one steady burning tail lamp on the rear of the rear most vehicle visible from 500 feet. (393.25(b))
- (3) Lamps on projecting loads - There is not at least one operative steady burning lamp on the rear of loads projecting more than four feet beyond the vehicle body, visible from 500 feet. (393.11, 393.17)

{*} Rev. 4/98

b. A Anytime - Day or Night

- (1) Does not have at least one operative stop lamp on the rear of a single unit vehicle or the rear of the rear most vehicle of a combination of vehicles visible at 500 feet. (393.25(f)), 393.17)
- (2) Does not have operative turn signals visible on each side of the rear of a single unit vehicle or the rear of the rear most vehicle of a combination of vehicles. (truck tractors - unless the turn signals on the front are so constructed (double faced) and located to be visible to passing drivers, two turn signals on the rear of the cab, one at each side.) (393.9 - Inoperable), (393.11 - Missing)



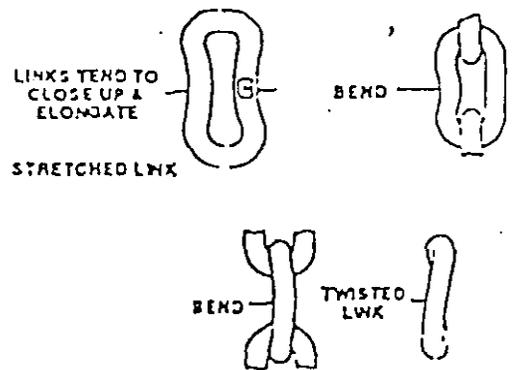
7. SAFE LOADING

- a. Part(s) of a vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway. (392.9)
- b. Containers relying solely on fittings and twist locks for securement to container chassis not having four such attachments per container, two per side, properly latched. (393.100)
- c. When 25 percent or more of the required type and number of tie-downs are either loose or missing. (393.102)
- d. When 25 percent or more of the required types and numbers of tie-downs are defective. (393.102)

(1) Chain

- (a) Broken, cracked, twisted, bent, or stretched links. (393.102)
- (b) Containing nicks, gouges, abrasions, wear, or knots. (393.102)
- (c) Any weld(s) on chain, except the original chain weld in each link.

NOTE: Repairs. Links of the clevis variety, having a strength equal to or greater than the nominal chain are acceptable.

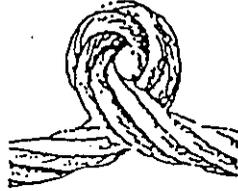


(2) Wire Rope

- (a) Rinks, bird caging, or popped core in the working section of the wire rope. (393.102)
- (b) Discoloration from excessive heat or electric arc in the eye or main body of the wire rope. (393.102)
- (c) Corrosion with pitting of the external or internal wires. (393.102)
- (d) More than 11 broken wires in 6 diameters of length. For example; with 1/2 inch (13mm) wire rope, over 11 broken wires in (6x1/2) or 3 inches in length. (6x13=78mm) (393.102)
- (e) More than three broken wires in any one strand. (393.102)

- (f) More than two broken wires at the end connection or fitting. (393.102)

NOTE Repairs. Wire rope used in tie-down assemblies shall not be repaired or spliced. (Back splices and eye splices are acceptable)



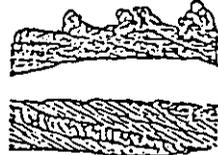
ROPE KINK



EXAMPLES OF BIRD CAGES



EXAMPLES OF CORE PROTRUSION



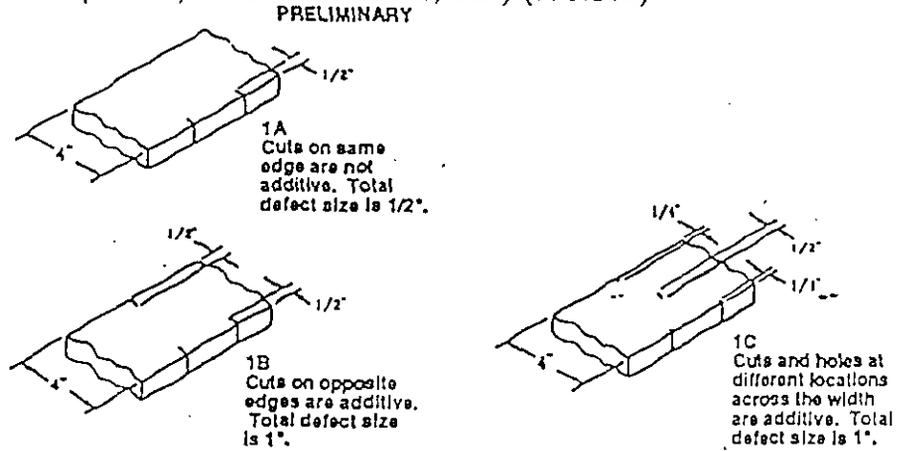
(3) Cordage (fiber rope)

- (a) Burned or melted fibers except on heat-sealed ends. (393.102)
- (b) Evidence of excessive wear in exterior or interior fibers. (393.102)
- (c) *Any evidence of loss of strength, such as a marked reduction in diameter. (393.102)
- (d) Ineffective knots formed for the purpose of connecting or repairing binders. (393.102)

*NOTE: Effective diameter of cordage reduced by 20 percent is excessive. Repairs: Cordage used in tie-down assemblies shall not be repaired. (Separate lengths of cordage properly spliced together are not considered repairs.)

(4) Synthetic Webbing

- (a) The tie-down contains cut(s), burn(s), and/or hole(s) through the webbing which total more than that shown in the Defect Classification Table. (393.102)
- (b) The tie-down contains separation of its load carrying stitch pattern(s) in excess of $1/4$ of the total stitch area. (3939.102)
- (c) The tie-down contains any fitting, tensioning device, or hardware which is broken, obviously sprung, bent, twisted, or contains visible cracks or significant nicks or gouges. (393.102)
- (d) The tie-down contains knotted webbing splices, repairs, or any other apparent defects (i.e., crushed areas, damaged loop ends, severe abrasions, etc.) (393.102)



DEFECT CLASSIFICATION TABLE
Total Defect Size

<u>Web Size</u> Inches (mm)	<u>Out-of-Service Range</u> Inches (mm)
4 (100)	Larger than $3/4$ (19)
3 (75)	Larger than $5/8$ (16)
2 (50)	Larger than $3/8$ (10)
1.75 (45)	Larger than $3/8$ (10)

All cuts, burns, and/or holes through the webbing are additive across the width of the strap face for its entire effective length. But only one defect is additive for any specific width. **NOTE:** Repairs. Webbing used in tie-down assemblies shall not be repaired or spliced.

(5) Fittings or Attachments

- (a) Obvious reduction of section through wear or corrosion. (393.102)
- (b) Obviously distorted or stretched load binders and fittings. (393.102)
- (c) Hooks opened in the throat beyond the original parallel throat opening. (393.102)
- (d) Obvious twisting out of the plane of the fitting. (393.102)
- (e) Welding or discoloration from excessive heat. NOTE: Some winches are designed to be welded to the truck bed. (393.102)
- (f) Any visible cracks. (393.102)
- (g) Any slippage detectable at a wire rope “cable clamp”. (393.102)

NOTE: End fittings may be replaced with clevis type.

(6) Anchor Points

- (a) Broken or cracked side or pocket rails, supports, or welds. (393.102)
- (b) Rails bent or distorted where hooks or fittings attach. (393.102)
- (c) Floor rings nicked, gouged, worn, twisted, bent, stretched, or with broken welds. (393.102)

SPECIAL NOTE: If there are no tags or markings on the tie-down, the lowest value for the same size or material shown in the charts contained in the CVSA Tie-Down Guidelines shall apply.

8. STEERING MECHANISM

a. Steering Wheel Free Play

(See Chart: When any of these values - inch movement or degrees - are met or exceeded, vehicle shall be placed out-of-service.) (393.209(b))
For power steering systems, engine must be running.

<u>Steering Wheel Diameter</u>	<u>Manual System Movement 30° or</u>	<u>Power System Movement*45°</u>
16" (41cm)	4-1/2" (11.5cm)(or more)	6-3/4" (17cm)(or more)
18" (46cm)	4-3/4" (12cm)(or more)	7-1/8" (18cm)(or more)
19" (48cm)	5" (13cm)(or more)	7-1/2" (19cm)(or more)
20" (51cm)	5-1/4" (13cm)(or more)	7-7/8" (20cm)(or more)
21" (53cm)	5-1/2" (14cm)(or more)	8-1/4" (21cm)(or more)
22" (56cm)	5-3/4" (15cm)(or more)	8-5/8" (22cm)(or more)

For power systems, if steering wheel movement exceeds 45 degrees before steering axle tires move, proceed as follows: Rock steering wheel left to right between points of power steering valve resistance. If that motion exceeds 30 degrees (or the inch movement values shown for manual steering) vehicle shall be placed out-of-service.

b. Steering Column

- (1) Any absence or looseness of U-bolt(s) or positioning part(s). (393.209(c))
- (2) Worn, faulty, or obviously repair-welded universal joint(s). (393.209(d))
- (3) Steering wheel not properly secured. (393.209(c))

c. Front Axle Beam and All Steering Components other than Steering Column (Including Hub)

- (1) Any crack(s). (393.209(d))
- (2) Any obvious welded repair(s). (393.209(d))

d. Steering Gear Box

- (1) Any mounting bolt(s) loose or missing. (393.209(d))
- (2) Any crack(s) in gear box or mounting brackets. (393.209(d))

(3) Any obvious welded repair(s). (393.209(d))

e. Pitman Arm

(1) Any looseness of the **pitman arm** on the steering gear output shaft. (393.209(d))

(2) Any obvious welded repair(s). (393.209(d))

f. Rower Steering

Auxiliary power assist cylinder loose. (393.209(e))

g. Ball and Socket Joints

(1) Any movement under steering load of a stud nut. (396.3(a)(1))

(2) Any motion, other than rotational, between any linkage member and its attachment point of. more than 1/8 inch (3mm) measured with hand pressure only. (396,3(a)(l))

(3) Any obvious welded repair(s). (396.3(a)(1))

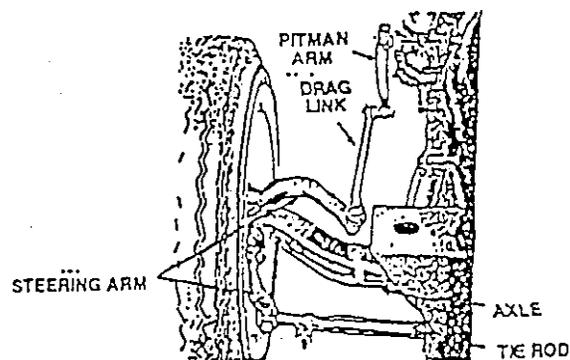
h. Tie Rods and Drae Links

(1) Loose clamp(s) or clamp bolt(s) on tie rods or drag links. (396.3(a)(1))

(2) Any looseness in any threaded joint. (396.3(a)(1))

i. Nuts

Loose or missing on tie rods, pitman arm, drag link, steering arm, or tie rod arm. (393.209(d))



j. Steering System

Any modification or other condition that interferes with free movement of any steering component. (393.209(d))

k. C-Dolly

- (1) Missing or inoperable.
- (2) Steering not centered in the “zero“ locked position.

9. SUSPENSION

a. Axle Parts/Members

- (1) Any U-bolt(s) or other spring to axle clamp bolt(s) cracked, broken, loose, or missing. (393.207(a))
- (2) Any spring hanger(s), or other axle positioning part(s) cracked, broken, loose, or missing resulting in shifting of an axle from its normal position. (393.207(a))

(*) NOTE: After a turn, lateral axle displacement is normal with some-suspensions including composite springs mounted on steering axles.

b. Spring Assembly

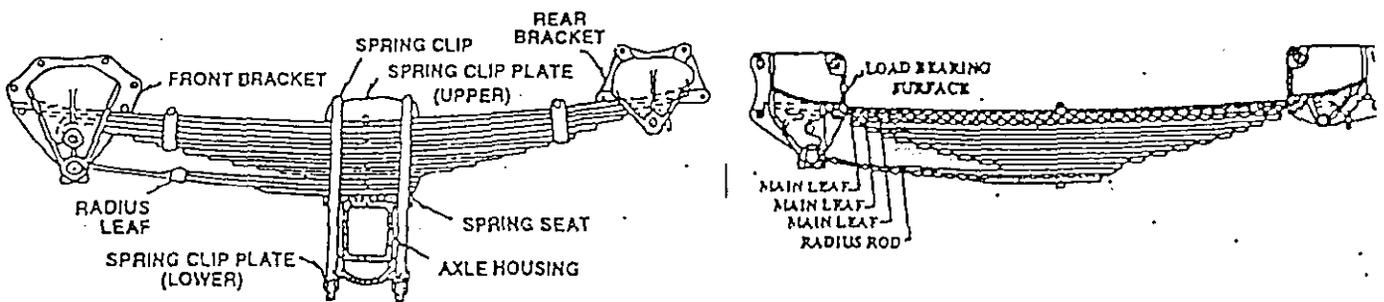
- (1) One-fourth or more of the leaves in any spring assembly broken. (393.207(c))
- (2) Any leaf or portion of any leaf in any spring assembly is missing or separated. (393.207(c))
- (3) Any broken main leaf in a leaf spring.

- NOTES:
1. Any leaf of leaf spring assembly is a main leaf if it extends, at both ends, to or beyond:
 - a. The load bearing surface of a spring hanger or equalizer.
 - b. The spring end cap or insulator box mounted on the axle.

(*)Rev. 4/98

- c. A spring eye, further: Any leaf or a helper spring assembly is a helper main leaf if it extends, at both ends, to or beyond the load bearing surface of its contact pad, hanger, or equalizer.

2. The radius rod leaf, in springs having such a leaf, has the same function as the torque or radius components referenced in item 9.d. "Torque Radius, or Tracking Components" and should be treated as such a component for purposes of out-of-service. (393.207(c))



- (4) Coil spring broken. (393.207(d))
- (5) Rubber spring missing. (393.207(a))
- (6) One or more leaves displaced in a manner that could result in contact with a tire, rim, brake drum, or frame, (393.207(c))
- (7) Broken torsion bar spring in torsion bar suspension. (393.207(e))
- (8) Deflated air suspension, (i.e., system failure, leak, etc.) 393.207(f)

{*} c. Composite Springs

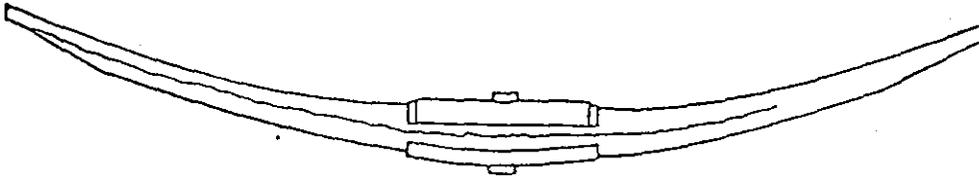
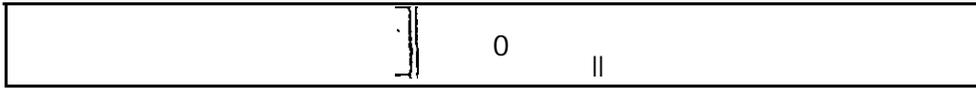
- (1) Intersecting cracks of any length. (See Illustrations Page 32)
- (2) A crack that extends beyond 3/4 the length of the spring. (See Illustrations Page 32)

NOTE: A crack is a separation in any axis which passes completely through the spring.

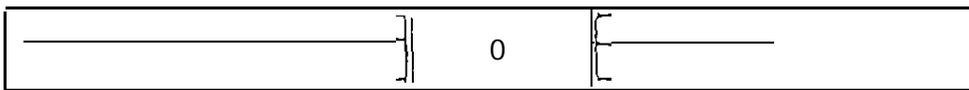
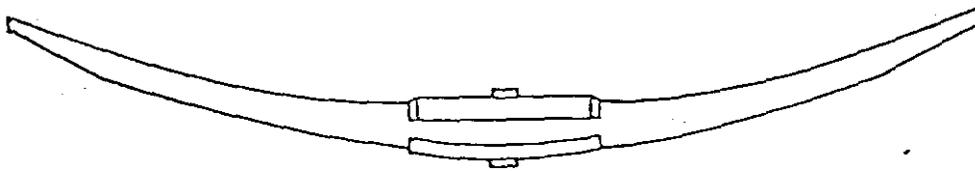
COMPOSITE SPRING

Out-of-Service Conditions

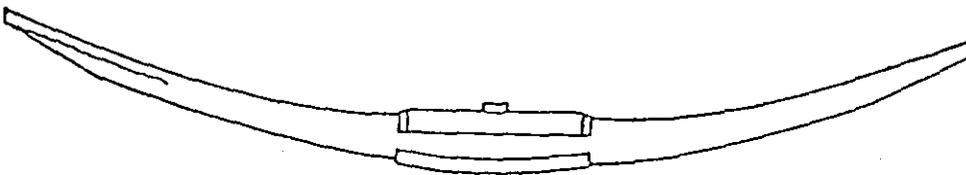
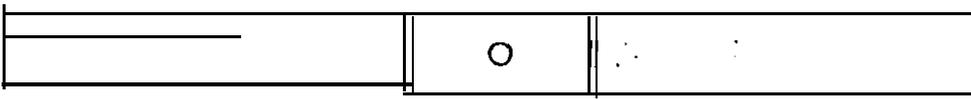
- a. Side to side crack extending beyond $3/4$ of the length of the spring. (a crack that extends beyond $3/4$ the length of the spring.)



- b. Top to bottom crack extending beyond $3/4$ of the length of the spring. (a crack that extends beyond $3/4$ the length of the spring.)



- c. Intersecting cracks of any length.



Note: A crack is a separation in any axis which passes completely through the spring.

EXCEPTION: A bulge due to a section repair is allowed not to exceed 3/8" (1cm) in height. This bulge may sometimes be identified by a blue triangular label in the immediate vicinity.

- (6) Tire is flat or has noticeable (e.g., can be heard or felt) leak. (393.75(a)(3))
 - (7) So mounted or inflated that it comes in contact with any part of the vehicle. (396.3(a)(1))
 - {*} (8) Steering Axle: Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure. (393.75(f)) *Exception: Does not apply to vehicles being operated under the special permit exclusion found in Federal Motor Carrier Safety Regulation 393.75(f)(1).*
- b. All Tires Other Than Those Found On The Steerine Axle of a Powered Vehicle
- (1) Tire is flat or has noticeable (e.g., can be heard or felt) leak. (393.75(a)(3))
 - (2) Bias Ply Tire: When more than one ply is exposed in the tread area or sidewall or when the exposed area of the top ply exceeds 2 square inches.
 - (3) Radial Ply Tire: When two or more plies are exposed in the tread area or damaged cords are evident in the sidewall or when the exposed area exceeds 2 square inches (13 sq. cm) in the sidewall.
- NOTE: For single tire, one tire must meet this condition. On dual wheels, both tires must meet this condition. (393,75(a)(1))
- (4) Any tire with visually observable bump or knot apparently related to tread or sidewall separation. (396,3(a)(1))
- EXCEPTION: A bulge due to a section repair is allowed not to exceed 3/8" (1cm) in height. The bulge may sometimes be identified by a blue triangular label in the immediate vicinity.
- (5) So mounted or inflated that it comes in contact with any part of the vehicle. (This includes any tire contacting its mate in a dual set.) (396.3(a)(1))

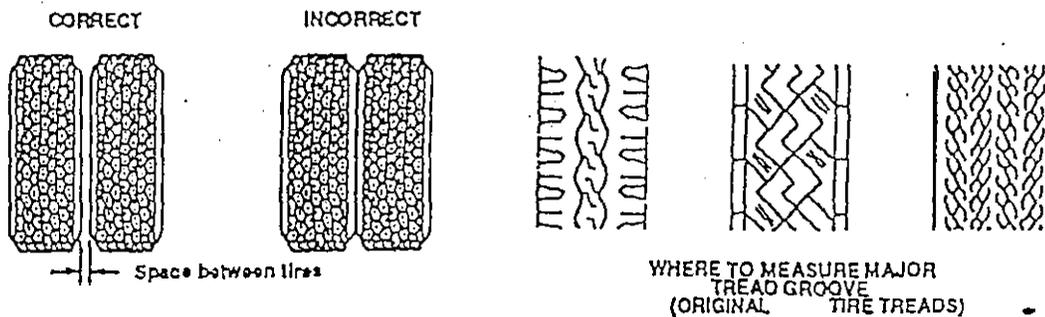
{*} Rev. 4/98

{*} (6) Weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure. (393.75(f)) *Exception: Does not apply to vehicles being operated under the special exclusion found in Federal Motor Carrier Safety Regulation 393.75 (f)(1).*

(7) So worn that less than 1/32 inch tread remains when measured in any two adjacent major tread grooves at 3 separate locations on the tire.

EXCEPTION: On dual tires, both tires must have less than 1/32 inch tread. (393.75(c))

(8) Seventy-five percent or more of the tread width loose or missing in excess of 12 inches (30cm) in circumference. (396.3(a)(1))



11. VAN AND OPEN-TOP TRAILER BODIES

a. Upper Rail

- (1) Broken with complete separation of the flange. (396.3(a)(1))
- (2) Buckled or cracked when accompanied by missing, working (movement under stress) or loose fasteners at adjacent roof bows and/or side posts. (396.3(a)(1))
- (3) Buckled or cracked when accompanied by broken, ineffective, or missing adjacent roof bows. (396.3(a)(1))

b. Lower Rail

- (1) Broken with complete separation in the bay area accompanied by sagging floor, rail, or crossmember; or broken with loose,

{*} Rev. 4/98

working (movement under stress) or missing fasteners at side posts adjacent to the crack. (396.3(a)(1))

NOTE: The lower rail of a van or open-top trailer can become gouged, **chunked**, or bent during operation. These are superficial damages only and do little to degrade the rail's strength or integrity.

- (2) Drop **frame trailers** showing twists, bends, or fatigue cracking at the drop frame's elevation changes. (396.3(a)(1))

c. Floor Crossmembers

- (1) Three or more adjacent broken, and/or completely detached from and sagging below the lower rail in the bay area. (396.3(a)(1))
- (2) Broken floor accompanied by **protruding freight** and sagging crossmembers. (396.3(a)(1))

d. Side Panels on Fiberglass Reinforced Plvwood (FRP) Trailers

Damage in the bay area that penetrates completely through the fiberglass and plywood resulting in a sagging lower rail. (396.3(a)(1))

GENERAL NOTES: These notes apply to every portion (a, b, c, and d) of item 11.

- (a) These conditions are only considered out-of-service if the failure is in the bay area (aft of kingpin coupler plate and forward of the axle sub frame rails.)
- (b) Trailers 30 feet or less in length have a short bay area and are not as susceptible to catastrophic failures, therefore, only rail breaks accompanied by a sagging floor, rail, or crossmember are out of service for them.
- (c) Rail, post, bow, crossmember, and side/front panel damage in areas outside the bay area are not imminently hazardous and should not be considered out-of-service unless they lead to conditions described in other sections of the out-of-service criteria. (i.e., "10a(7) Tires")

12. WHEELS AND RIMS

a. Lock or Side Ring

Bent, broken, cracked, improperly seated, sprung, **or** mismatched ring(s). (393.205(a))

b. Rim Cracks

Any circumferential crack except an intentional **manufactured** crack at a valve stem hole. (393.205(a))

c. Disc Wheel Cracks

(1) Any single crack 3" or more in length.

(2) A crack extending between any two holes including hand holes, stud holes and center hole.

(3) Two or more cracks any place on the wheel. (393.205(a))

d. Stud Holes (Disc Wheels)

Fifty percent **or more** elongated **stud holes** (fasteners tight). (393.205(b))

e. Spoke Wheel Cracks

(1) Two or more cracks more than 1 inch long across a spoke or hub section. (393.205(a))

(2) Two or more web areas with cracks. (393.205(a))

f. Tubeless Demountable Adapter Cracks

Cracks at three or more spokes. (393.205(a))

g. Fasteners

Loose, missing, broken, cracked, or stripped (both spoke and disc wheels) ineffective as follows: for 10 fastener positions - 3 anywhere or 2 adjacent; for 8 fastener positions or less (including spoke wheels and hub bolts) - 2 anywhere. (393.205(c))

h. Welds

- (1) Any **cracks** in welds attaching disc wheel to rim. (393.205(a))
- (2) Any crack in welds attaching **tubeless demountable** rim to adapter. (393.205(a))
- (3) Any welded repair on aluminum wheel(s) on a steering axle. **(396.3(a)(1))**
- (4) Any welded repair other than disc ~~to~~ rimrattachment on steel disc wheel(s) mounted on the steering axle. (396.3(a)(1))

13. WINDSHIELD WIPERS

Any power unit that has an inoperative wiper or missing, or damaged parts that render it ineffective ~~on the driver's side~~. (Applicable only in inclement weather requiring use of windshield wipers.) (393.78)

14. EMERGENCY EXITS (BUSES)

Emergency exits required by Section 393.61 that **are** missing, inoperable, or obstructed when passengers **are on** board: .(Ref. 49 CFR 392.9(c), 393.61(b), 393.61(c), 393.62, and 393.203)

**APPENDIX A
Part III**

**NORTH AMERICAN UNIFORM HAZARDOUS MATERIALS
OUT-OF-SERVICE CRITERIA**

{*} POLICY STATEMENT

The purpose of this part is to provide criteria for the abatement of unsafe conditions in the transportation of hazardous materials and is based upon the presence of any condition(s) which fail(s) to communicate the hazard(s) or is an imminent hazard.

OUT-OF-SERVICE: Condition(s) categorized in this Appendix as “Out-of-Service” shall not be allowed to continue in commerce until the condition(s) is/are corrected and the shipment complies with the applicable regulations. If, at the discretion of the inspector, it is less hazardous to the public to relocate the vehicle, it shall be towed, transported, or escorted to a safe location only at the direction of an official authority.

1. **SHIPPING PAPERS -GENERAL**

Required to be present when required. An out-of-service condition exists when transporting hazardous materials not accompanied by a shipping paper which indicates the hazardous materials being transported.

2. **PLACARDING**

- a. Present when required
- b. Number and Type of Placards

An out-of-service condition exists when 50 percent or more of the required placards for a hazard class are missing or any placards misrepresent the hazardous materials being transported.

3. **BULK PACKAGES**

{*} This section applies to specification packages, except that item "e" applies to all packages.

- a. Internal Valve (Missing)

An out-of-service condition exists if the internal valve is missing when required.

- b. Internal Valve (Open)

An out-of-service condition exists when the internal valve is in the open position.

- c. Bulk Package Authorization

An out-of-service condition exists when transporting hazardous materials in a bulk package not authorized for the material being transported. Unless otherwise indicated herein, specification shortages shall not disqualify an otherwise authorized package.

- {*} d. Venting Devices, Manhole Covers and Discharge Valves

Missing or improperly secured manhole covers, venting devices, or discharge valves constitute an out-of-service condition.

e. Bulk Package Integrity

Hazardous materials leaking from a bulk package (including associated piping) constitutes an out-of-service condition.

f. Supports and Anchoring

An out-of-service condition exists when more than 25 percent of the anchoring mechanisms are ineffective.

4. BULK PACKAGE MARKINGS

{*} a. The Required ID Numbers Must Be Displayed On The Bulk Package

The ID numbers may be displayed on orange panels, a white square-on-point configuration, or incorporated with the placards. In Canada - placarded four sides at 500 Kgs (1,102 Lbs.) in bulk-retro-reflectivity placards. An out-of-service condition exists when 50 percent or more of the required ID numbers are missing for each material or when any ID number misrepresents the material transported.

5. POISON INHALATION HAZARD (PIH) MARKINGS

a. Non-Bulk Packaging - Present When Required

An out-of-service condition exists when required markings are missing or illegible.

b. Bulk Packaging - Present When Required

An out-of-service condition exists when required markings are missing or illegible.

6. NON-BULK PACKAGING

Package Integrity

A hazardous material leaking in or from a package constitutes an out-of-service condition.

7. LOADING AND SECUREMENT

{*} a. Blockine and Bracing

Transporting Classes 1, 2, 3, 4, 5, 6.1, 7 or &materials which are not blocked or braced to prevent significant motion relative to vehicle while in transit constitutes an out-of-service. condition.

{*} b. Product Compatibility

Transporting incompatible commodities constitutes an out-of-service condition.

c. poison/Edible Materials

Transporting packages requiring poison labels in the same vehicle with foodstuffs, feed, or other. edible materials intended for consumption by humans or animals constitutes an out-of-service condition.

NOTE: When initiating an out-of-service action, contact proper health authority within your jurisdiction.

8. {*} FORBIDDEN ITEMS

Forbidden Materials

The transportation of forbidden items constitutes an out-of-service condition.

9. RADIOACTIVE MATERIALS - RADIATION LEVELS

{*} Measured at Surface of Vehicle

An out-of-service condition exists when measurement exceeds **2mSv(200 mrem/hour)**, at accessible surface of vehicle.

NOTE: When initiating out-of-service action, contact the appropriate health physicists, or radiation agency with jurisdiction.