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TEL. (617) 357-9500

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PAUL MATTERA
VICE PRESIDENT AND
ASSISTANT GENERAL COUNSEL

April 20, 1999

Via UPS Next Day Air

Docket Clerk
U.S. DOT Dockets, Room PL-401
400 Seventh Street, SW
Washington, D.C. 20590-0001

Docket #FHWA-98-3656 - 51

Dear Sir or Madam:

Liberty Mutual Insurance Company (Liberty) offers the following comments on the draft rule regarding responsibility for the safety of intermodal containers.

Liberty and its affiliated companies are major insurers of commercial vehicles. As a company committed to working with its customers to improve vehicle and highway safety, Liberty supports the effort of the Federal Highway Safety Administration to clarify the relative responsibility for the safe condition of intermodal container equipment.

Responsibility for the safe condition of cargo transporting equipment including the container and undercarriage and for meeting weight requirements is better placed on the shipping entity who has greater control of the equipment. Motor carriers are in a sub-optimum position relative to the shippers because they have no effective control of the equipment.

For the foregoing reasons, Liberty supports the draft rule so far as it makes reasonable choices about allocating responsibility to the party with greater control of the equipment.

Respectfully submitted,

Paul Mattera

cc: Karl Jacobson
Robert Gosnell