

Tennessee Commercial Warehouse

22Stanley St.
Nashville, TN 37210
615-255-1122

April 15, 1999

Docket Clerk
USDOT Dockets
Room PL-401
400 Seventh St., SW
Washington, DC 20590-0001

Dear Sir or Madam:

In Re: FHWA Docket No. FHWA-98-3656, RIN 2125-AE40

TCW is please to reply to the questions submitted in the Docket.

1. **What is the OOS rate for intermodal container chassis or trailers inspected at roadside?**

Our company experience in 1997 showed 22.78% OOS.

What percent involves intermodal chassis?

95% of our inspections were intermodal chassis.

What percent were inspected within "X" hours of the motor carrier taking possession?

We do not have this information.

2. **What is the average number of equipment related violations of the FMCSRs found per inspection?**

In 1998, of 30 level one inspections, 14 inspections had defects. The average defects per inspection were .8 defects per inspection. Of the trailer inspections conducted, 5 had one defect, 8 had two defects, and 1 had three defects.

3. Unknown

4. **Accident directly attributed to mechanical failures?**

Of our accidents, there were four in the last two years directly attributable to mechanical defects. All four involved the spindle and wheel assembly coming off the trailer.

5. **How do you know when the defect occurred in order to properly penalize the offeror or the carrier?**

If the inspections occurred on the roadside outside such intermodal facilities as ports, rail yard, container yards; then the enforcement officer can ascertain that the defect did not happen while in transit.

6. **Should the party that tendered the intermodal CMV be held responsible for all defects or deficiencies irrespective of the length of time the motor carrier has been operating the container chassis or trailer?**

Yes. The AAR has a system established for maintenance, the shops that are authorized, the charges and billing for the car or container owner. The AAR

- also has a list of items that would not be routine maintenance that will be charged to the railroad for repair. Using this as a model, the Intermodal Carriers and Intermodal chassis/trailer owners could work out a similar program. The development of these rules and procedures could be arbitrated by the FHWA.
7. **What are the obstacles to providing drivers with the opportunity to perform walk around inspections of container chassis and trailers?**

Walk around inspections to varying degrees are done as a matter of routine. However, the drivers are faced with a very real dilemma. Refuse the load and lose the pay.

What types of training would drivers need to perform a walk around inspection?

The CVSA/USDOT Uniform Vehicle Driver Inspection Training Course usually spends about two days on the items that are covered in a Level 2 inspection. The cost per driver for two days training including lodging and meals is roughly \$860.00.
 8. **How many inspection, repair, and maintenance facilities and mechanics are currently used by these parties to service container chassis and trailers used in intermodal operations?**

Each facility that we deliver to (container yard, rail facility, port facility) already has personnel present who inspect the trailers coming in and going out at interchange. The inspection consists of looking at lights, tires, and the container/chassis for dents or misuse. It is not a Level 2 inspection. This interchange inspector could be trained to conduct the Level 2 inspection. The facility will also have mechanical personnel employed or under contract to repair the chassis or trailer on their yard. The important task before us is for the chassis or trailer owner to develop a maintenance program as required by 396.3. Presently, there is no system. FHWA may want to explore a quarterly inspection that checks all the elements as required in 396.17
 9. **How often do equipment providers' tender and motor carriers accept container chassis trailers or other vehicles without proof that the periodic inspection has been performed?**

Although we do not have data to answer this question, we do have experience. Since the proof may be in the form of the inspection document, or a decal, or a marking AND the proof may be anywhere on the vehicle, it is difficult to find the proof at times. FHWA may desire to specify a location where the FHWA periodic information must be placed or marked. This would aid the driver greatly in determining if the vehicle has met the regulatory requirement and it is not expired. At present, our drivers' look of this information while conducting a walk around inspection. If they cannot find any FHWA periodic inspection information that shows it is expired, or they find no information at all and the trailer passes the walk around inspection, then they take the vehicle as dispatched.
 10. Unknown
 11. Unknown
 12. Unknown
 13. **Could the safety objective of the rulemaking be accomplished by requiring more frequent periodic inspections of container chassis and certain trailers?**

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We recommend the FHWA should mandate once every three-(3) months. The information should furthermore be marked on a specific place on the chassis or trailer. The supporting documentation should be available to the state or federal official in 48 to 72 hours.

14. Unknown

Other Comments

It is the contention of the transporting motor carriers, like TCW, that the owners of the chassis should be more proactive in maintaining their equipment to safe standards. I offer the following inspection information for TCW inspections (1997):

- Number of inspections: 158
- Number of inspections involving intermodal equipment: 158
- Most common defects: Brake adjustment, lights, load securement (locking pins)
- Number of inspections resulting in OOS order for trailing equipment: 36
- Number of inspections resulting in OOS order for power unit: 8
- Total number of intermodal moves 72,500
- Most common breakdown: Tires
- Total number of breakdowns: 560
- Average time lost per breakdown: 2 hours
- Cost per breakdown: \$170.00
- Percent of breakdown cost the TCW incurred: 43%

Our drivers are trained to conduct a walk around inspection, similar to a level 2. This classroom training lasts for 4 hours, and the OJT is three days.

Each day the driver goes to the chassis yard at a Port or Rail yard. The driver picks the best chassis that he can find. The driver checks for tire condition, bumps tires, looks at wheels, lug nuts, wheel seals, reflectors, lights, locking pins, license tag, and attempts to find the FHWA periodic inspection markings (since there is no uniform marking location). The driver then hooks to the trailer, checks for air leaks, trailer brakes pulling, and the brake lights, turn signals. The driver will then get a container loaded onto the chassis and locks the pins. The driver then proceeds to “interchange” where a form is completed noting all damage to the chassis and container. The next time the container is inspected by someone other than the driver is when the chassis/container combination is going to a Port or Rail yard, inspected at interchange and another form completed. The purpose of the interchange is to bill the carrier for any damage to the chassis or container while the carrier has the combination unit in its possession.

Some rail and container yards refuse to conduct any repairs on chassis. It is terribly difficult to pick up the customer’s freight if the container is already loaded on an unsafe chassis and the yard refuses to spot the container on another chassis, and refuses to repair the chassis. Usually, the owners of containers have agreements with the owners of chassis. Therefore, only certain containers can be on certain chassis.

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The chassis run Load rating F tires, and these are recaps. They are bias ply tires with tubes and outfitted on Bud wheels. The cores of the tires are sometimes several years old as evidenced by there being no USDOT tire markings on the cores. Many are dry rotted, or multiple sectioned cores with fresh recaps. Many of the chassis/containers are loaded to exceed the 80,000 lb. limit (special permits in many states allow up to and exceeding 90,000 lbs.). These F rated tires will only allow the rear tandems to safely carry 38,080 lbs. Many times this is exceeded, especially on the 20-foot containers. The customer expects the freight to be delivered and the steamship companies usually insist as well. As one North Carolina, Dept. of Motor Vehicle, Enforcement Officer said, "During the summer, all the tire carcasses on the road are from intermodal chassis. I wish I could ban retreads on these chassis."

I am delighted that FHWA has embarked on this rulemaking journey. There are many unsafe practices out there, and it is my hope that rules can be developed to make this segment of the transportation community safer.

Sincerely,

Paul Melander
Director of Safety