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FEDERAL-INDUSTRY CONSULTING ASSOCIATES, INC.

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TO: Ms. Judith Rutledge, Chief Counsel, FMCSA
FROM: Cy Malloy *CM*
DATE: 1/16/01

For the Docket

On Dec. 18th the Federal Motor Carrier & Safety Administration (FMCSA) of the U.S. DOT issued its proposed regulation on cargo securement. There is one section of the reg that presents a problem for many of our members; namely, where they state in Section 3.5.5.2, Section V(A):

"Two indirect tiedowns must be placed longitudinally over the group of pipes."

Requiring two chains over the top of the load is not what was agreed upon in our letter of last April to the Canadian researchers, who agreed with us, as did our Canadian members -- copy of which went to FMCSA. In ACPA's comments, we recommended that their wording be replaced with:

"If one tiedown is used longitudinally over the top of the pipe load, it shall be a 1/2" tiedown, with the option of two tiedowns at 3/8" strength."

On November 2nd, John Duffy, President of American Concrete Pipe Assn (ACPA), met with Larry Minor, FMCSA, who promised to make the wording of this subsection "general enough that one or two chains might be used, depending on chain strengths." Larry told us at our meeting that they intended to publish final regulations in the Federal Register no later than this July.

Background: Sections 393.100-393.106 of the FMCSA regulation provide the standards covering cargo securement. Cargo is required to be loaded and secured so that it will not shift or fall off the vehicle include minimum strength requirements for securement devices and requirements for protection against longitudinal and lateral movement of the cargo. In addition, Section 393.106 covers headerboards.

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