

124139
Silk Road

F HWA-97-2289-48

March 5, 2001



U.S. Department of Transportation
Dockets Management Facility
Room PL-401
400 Seventh Street, SW
Washington, DC 20590

Gentlefolk:

Silk Road Transport, Inc. submits the following comments in response to the Notice of Proposed Rulemaking, **Docket No. FMCSA-97-2289**, Development of a North American Standard for Protection Against Shifting and Falling Cargo.

Silk Road Transport is located in Arkport, New York and operates nationwide. We employ fifty (50) area residents. Silk Road owns and operates thirty-four (34) tractors and one hundred-thirty (130) trailers designed for the transport of unique cargo with oversize and overweight concerns. Silk Road Transport hauls subway cars/light rail vehicles and other rail vehicles with roll-on/roll-off trailers. We haul transit buses, transformers, tanks and other cargo requiring specialized transport equipment and unique securing systems. We also transport standard cargo. Enclosed is a brochure showing some of our equipment and cargo.

Silk Road Transport, Inc. routinely transports loads subject to federal and state regulations and we frequently encounter varying and conflicting regulatory interpretations concerning proper load securement procedures. Highway transport of unique and sizable cargo is safe, efficient, economical, practical and necessary for the national and global economy and for the ultimate living comfort of all citizens of the United States.

Silk Road Transport fully supports FMCSA's goal of internationally harmonized and improved load securement regulations. We promote the ultimate in safety practices. Many of the rules as proposed could work for the securing of "standard" cargo. However, **the specialized transport of unique shaped, large sized and heavy cargo does not fit into the proposed rules.** Therefore, we have grave concern regarding a number of issues that we believe warrant additional focus and revision prior to an effective final rule being issued. The following comments are offered as constructive criticism. The following

01/17/12 11:00:27
DOT/FMCSA/REGISTRATION

examples are offered as demonstration of how the rules as proposed are not applicable to some cargo that is presently being safely transported over our nation's highways.

It is important for everyone to keep in focus the simplified and realistic goal of the subject rules – KEEP CARGO ON, OR IN, THE TRUCK OR TRAILER DURING NORMAL TRANSPORT CONDITIONS, DURING REASONABLY DIFFICULT HIGHWAY CONDITIONS AND, DURING MANY ACCIDENT SITUATIONS. It is unrealistic to believe that in all cases “X” number of securing apparatus fastened in a certain manner will keep every type of cargo on, or in, every type of trailer during a catastrophe such as a roll over or an “off the cliff” situation. Under these circumstances the cargo will move around in some fashion no matter how it is secured to the transport vehicle.

We would hope that the goal of the subject law is to secure cargo so that it:

Cannot move forward, and

Cannot move backward, and

Cannot move sideward, and

Cannot fall off of the transport truck or trailer

During normal and reasonably difficult highway conditions and during most accident situations.

To that end Silk Road Transport supports the position of the Specialized Carriers and Rigging Association (SC&RA) for clear and concise regulations that are:

easily understood by trucking management, trainers, drivers, **and the enforcement community;**

trainable, i.e., the rules must be presented in such a fashion as to promote **clear and consistent training and enforcement;** and

enforceable, i.e., the rules must provide the basis for **consistent and uniform interpretations from the enforcement community**. Violations should be (as with speed and other driver behavior issues) charged to the driver and not charged or attributed to the carrier or the vehicle. The driver is the party that decides on the manner in which the cargo is secured. The trucking company can offer the education and tools for the proper securing. The trucking company can generally monitor each of its driver's securing techniques, but it cannot be at every loading site during every securing activity.

Direct and Indirect Tiedowns: The administrators and drivers of Silk Road Transport have objections to the proposed rule referencing "direct" and "indirect tiedowns". The proposed use of any language referencing indirect or direct tiedowns makes the proposed law very confusing when interpreting the rules as one is securing actual cargo. I hold a commercial truck driver license, along with over thirty (30) years of administrative experience in the transportation business, a doctoral degree, and some degree of success in the stressful and difficult industry of truck transportation. I am not stupid. I am a trainable adult. I believe that I should have the level of intelligence that is comparable to most all enforcement officers. However, I would find it very difficult to explain or to demonstrate the concept of direct and indirect tiedowns. In the real world of transporting standard, and unique size and shape cargo, the use of one or the other of these two types of tiedowns would be prohibited unless the trucking company was willing to sustain a cargo damage claim. If you place a chain or a strap over the top of a subway car or bus and secure the chain or strap to the trailer (indirect tiedown?) you will bend the back of the subway car or bus and gain a five hundred thousand (\$500,000) to a two million dollar (\$2,000,000) cargo damage claim. You will also have one less mass transit vehicle servicing the commuting public. The securing rules should not require specific securing procedures if alternate procedures would accomplish the same safe transport result. The designation of direct or indirect tiedowns will not provide a sound basis for improved training and uniform enforcement. The reference to direct and indirect tiedowns will ultimately dilute the intended safety benefits of the law, creating unwarranted out-of-service violations stemming from inconsistent interpretations, and costing hundreds of thousands of dollars in lost productivity and lost safe motor carriers. Please be aware that incorrect or unsubstantiated out-of-service citations are nearly impossible to remove from a motor carrier's record. It is reasonable to believe that such citations, no matter how unwarranted, will give safe motor carriers unsatisfactory safety ratings and put these carriers out of business. Putting safe motor carriers out of business through interpretation and misinterpretation of impractical laws should not be a result of the proposed rules. Minimal additions to, and deletions from, the rule as proposed will alleviate this concern.

Regarding the Number of Tiedowns required under 393.110.

A specific number of tiedowns is an impossible and impractical mandate for many types of cargo.

Example: the transport of "light rail vehicles" and subway cars. This type of rail vehicle does not travel directly on long distance rail lines because of power supply differences and rail vehicle brake and

coupling incompatibilities. Such cargo is not conducive to crane lifting. These mass transit rail vehicles/railcars are safely and efficiently transported by specialized roll-on/roll-off tractor-trailers such as that owned and operated by Silk Road Transport as it offers the industry safe, viable and important transport services. A **mass transit railcar** generally measures between **50 and 85 feet in length** and has **two points (few such vehicles have three axles assemblies)** where it touches the ground or the trailer – at its axle assemblies near the front of the car and near the back of the car. All undercar units hold electronics, they are very delicate and absolutely not a tiedown consideration. (Mass Transit rail vehicles are shown in the center of our enclosed brochure). In spite of the heavy appearance of a railcar, the body is not capable of withstanding a tiedown slung over the top of the body or attached to the underside of the body pulling the body toward the trailer bed. Mass transit railcars can be tied down only at the front and at the back at the axle assemblies. These tiedown points are solid parts of the railcar and give good and safe securement of the car to the trailer coupled with chocks for the wheels of the railcar.

Silk Road Transport has safely and efficiently transported over five thousand (5,000) subway and light rail vehicles over the nations highways to cities such as, but not limited to, Atlanta, Boston, Chicago, New York, San Francisco, and Washington, DC. These railcars have been secured in a safe and reasonable and practical manner. However, there has not been, and cannot be, a piece of securing equipment every 5 or 10 feet of cargo length. A rule requiring a certain number of tiedowns per so many feet of cargo is impossible to comply with when transporting a mass transit railcar. **An option given in the present rules – 393.100(b)(4) of achieving proper securement by means not specifically delineated in the rule itself is a necessary option for unique cargo such as railcars.**

Jet airplane wings – twenty (20)+ feet long and sixty-four (64) feet wide and shaped like a folded back angel's wing are placed sideward and tilted up on the transport trailer so that the width of the wing is the length of the load and the cargo is only seventeen (17) feet wide. Such cargo is necessarily very light weight. (Photos of a jet airplane wing set up for highway transport are attached.) The wing is outfitted with an air speed indicator with a meter in the cab of the truck. As the wind velocity increases the truck must travel at lower and lower speeds to protect the integrity of the wing. This transport scenario is safe and efficient and has worked for many such wings being moved distances of over 1600 miles. Under the proposed rules, how is such cargo to be secured? Jet airplane wings are very, very delicate. No strap or chain is allowed to touch this five million dollar valued cargo.

The cargo is wrapped with very special material and is bolted to a specially designed cradle and the cradle is secured to the trailer. Many such wings have been safely transported on our nation's highways under the present securing rules – "Proper securement by means not specifically delineated in the rule itself". Is this type of securement procedure allowable under the proposed rule? I am not sure, but I doubt it. Does the securing of the cradle to the trailer fit into either the direct or the indirect tiedown definition under the proposed rule? I do not know. Is the cradle with the wing attached considered one piece of cargo? I am not sure. Will an enforcement officer know how to apply the securement of this cargo to the proposed rules? I do not believe that he or she will be able to place this cargo within the window of the rules = citation for improper securement = out of service tractor-trailer. If it is illegal to transport this cargo as secured by the direction of jet airplane wing engineers and the practical application of safe securing procedures and equipment, how does such a cargo reasonably get to its destination? Rail? No, the cargo is too wide and high and there is no rail direct to the destination. Boat? No navigable waters to the destination. Air? Not a reasonable option – there is no plane attached to the wing. The wing is manufactured in Japan. The plane body is manufactured in Kansas. (The ultimate example of our global economy.) **Please leave room in the proposed rules for the securing of unique cargo through proper securement by means not specifically delineated in the rule itself.**

Under the proposed rule how many tiedowns are required to properly secure a 250,000 pound transformer that is seventeen (17) feet long? Where do all of the required tiedowns go? These are not foolish or selfish questions. The rules need to be practical and allow the possible highway transport of such cargo. **Again we request that you leave room in the proposed rules for the securing of unique cargo through proper securement by means not specifically delineated in the rule itself.**

Gentlefolk, please keep in mind that the tractor-trailer transporting **extra heavy and large cargo** is traveling under special highway permits from every state and municipality that it traverses. Many times such cargo moves with an entourage of civilian and police escorts and is traveling well under posted speed limits. The proper securement of oversize and overweight cargo must be addressed in the rules with options for reasonable securing of the cargo without absolutely using the specified number of tiedowns for the weight or length of the cargo. If a catastrophe should occur and a tractor-trailer

carrying a 200,000 pound transformer does roll over - the transformer is not going to roll or go too far if it does get separated from the trailer.

As regards the procedure for securing unique shaped, oversized and heavy cargo, please be aware that the cargo manufacturing engineers and the motor carrier presently work together to design safe securing equipment and procedures for the highway transport of such cargo – safe for the traveling public and safe for the cargo. Securing this type of cargo may be accomplished through following the goals of the proposed rules. However, for many cargo types, it would be impossible to follow the rules as proposed.

Highway Dollies are a safe and efficient way to transport railcar bodies and other large items. These wheel and axle assemblies have a similar braking system as a full semitrailer, but they fit under the cargo and are secured directly to the cargo. Many times the cargo bolts directly to the dollies, such as with railcar bodies. The cargo actually acts as the trailer deck between the dolly axle assemblies. A railcar body may measure eighty-five (85) feet in length and weigh twenty thousand (20,000) pounds. Highway dollies allow for the efficient transport of such cargo at a lower height than with a full semitrailer. (Highway dolly transport is shown on the front of our enclosed brochure) There is no trailer deck under the railcar body to secure the body to. However, the securing of the railcar body to the dollies is safe and sound and the railcar body does not move forward, or backward, or sideward and does not fall off of the dollies. Where does this popular transport equipment fit into the proposed law? Is the use of this equipment going to result in improper cargo securing citations under the proposed law as presently written? I believe that such would be the case. **Please leave room in the proposed rules for the securing of unique cargo through proper securement by means not specifically delineated in the rule itself.**

The rules must **allow for the natural flex of the trailers** as the trailer travels along the highway. The longer the trailer required for long cargo the more that trailer must flex. The cargo does not necessarily flex with the trailer. The tightness of a tiedown must be practical and possible relative to the flex of the related trailer without damaging the cargo during transport. Silk Road Transport hauls glass-lined tanks for the pharmaceutical and food industries. These tanks do not flex with the trailer. Our employees must be careful to properly and safely secure this cargo without causing the interior glass to break as with a glass-lined thermos bottle when its exterior is bent. Securing this cargo for safe highway transport is possible, however the securing may not necessarily fit into the small window of

allowable securing procedure and equipment that is outlined in the proposed law.

Implementation Date

With regard to the proposed effective date of July 1, 2001, we do not believe sufficient time will be provided for quality driver training or for carriers to obtain any necessary new securing equipment. Based on the complexity of the issue, we believe a minimum of 18 months will be required after a final rule is published before any carrier should be expected to come into full compliance with the rules.

Definitions

Device - Devices 393.104: Question - What is a device? Does more than one device = devices? Is a group of devices as a securing system = a securing device? Oxford's dictionary does not give a definition of "device" that clearly coincides with the use of that word in this law. We are concerned about the interpretation of this word by enforcement officials and drivers. Large cargo requires that more than one chain be attached to each other via binders so as to reach over or through the cargo. Is this group of tiedowns a device? Is it an acceptable device? If it is not an acceptable tiedown device or practice then we will need very, very large men capable of handling very long chains. How will enforcement officers look at such "devices" under the proposed rule?

"Rail Vehicle" definition under 393.5: This may be a term used in some segments of the trucking industry. However, it is a confusing term when the cargo is a railcar generally referred to as a "rail vehicle" so as not to confuse it with a highway vehicle such as a bus, truck or automobile. We suggest you find another term for this type of trailer such as "rail trailer" or "rail straight truck".

"Article": As stated in the comments of the SC&RA, the terms "article" and "article of cargo" are used throughout the proposed rule but have not been defined. To eliminate any confusion with regard to requirements for separate securement, we agree with the SC&RA position and definition of "article of cargo" and suggest it be added to 393.5. We agree that wherever the term "article" is used alone that it be changed to "article of cargo." As such, an "Article of Cargo" is any element of a load needing securement to or in a vehicle. Items of cargo assembled with pallets or boxes or other types of containers

may not need individual securement if the resulting palletized or contained articles of cargo are properly secured.

Prohibition - Use of Damaged Securement Devices 393.104 (b)

The proposal requires that securing equipment or systems be free from deformation. We believe such a requirement would be extremely impractical and burdensome.

Example: With the nature and weight of loads typically being transported and the daily exposure of the securement systems, some equipment, e.g., wooden dunnage, may experience some deformation without diminishing the integrity of the device or system. In fact, in many cases, wooden dunnage under certain loading conditions conforms to the shape of the cargo and subsequently helps secure and fasten the load.

As another example, it is virtually impossible to keep webbing free of minor cuts and abrasions -- the outer fabric of these materials are designed to handle such distress. The North American Uniform Out-of-Service Criteria places four-inch wide webbing out-of-service when it has cuts across its width totaling one inch. This is 25% of the webbing's width. We agree with this specific standard.

Determining the Number of Tiedowns 393.110

This concern has been addressed earlier in these comments. However, the problem deserves further comment:

Proposed section 393.110 changes the number of tiedowns from that now required by sections 393.100 (b)(2) and (c)(4)(i). It has also eliminated the option presently given in 393.100 (b)(4) of achieving proper securement by means not specifically delineated in the rule itself. SC&RA believes the proposed changes will not improve safety but will add confusion to the proposed regulation by adding a weight category to these general rules; linking the new weight category to a placement interval of 5 feet; and adding to complexity when long cargo is involved. **We believe the present rules pertaining to the number of tiedowns are effective and well understood and when complied with, no evidence exists to suggest deficiency.**

Intermodal Containers 393.132

The proposal questions a motor carrier's ability to inspect the contents of intermodal containers and whether the cargo loaded in the containers is loaded in compliance with the proposed rules. From a

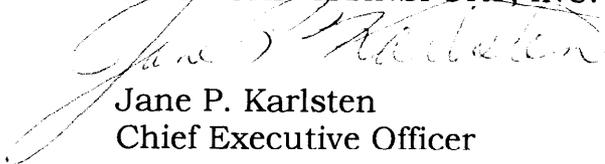
March 5, 2001

practical standpoint, the vast majority of containers handled and transported by motor carriers are sealed containers. Motor carriers that transport containers rarely have any control over the way in which the cargo is loaded or secured within the container. These containers, including the cargo are tendered to the motor carrier without an opportunity for pre-inspection. **In the real world of transporting containers, the shippers must carry the responsibility and certify that the load is in compliance with the requirements. The shipper must be the party cited if the load is not safely secured within the container.** Motor carriers should not be accountable for the condition or the equipment, the weight of the container or the securement of the cargo within the containers.

The North American Standard for Protection Against Shifting and Falling Cargo is an important rule that can work for all highway transport scenarios if the rule is designed so as to allow for the reasonable securing of all types of cargo - all shapes - all sizes - all permit allowable weights.

Enclosures

Respectfully submitted,
SILK ROAD TRANSPORT, INC.

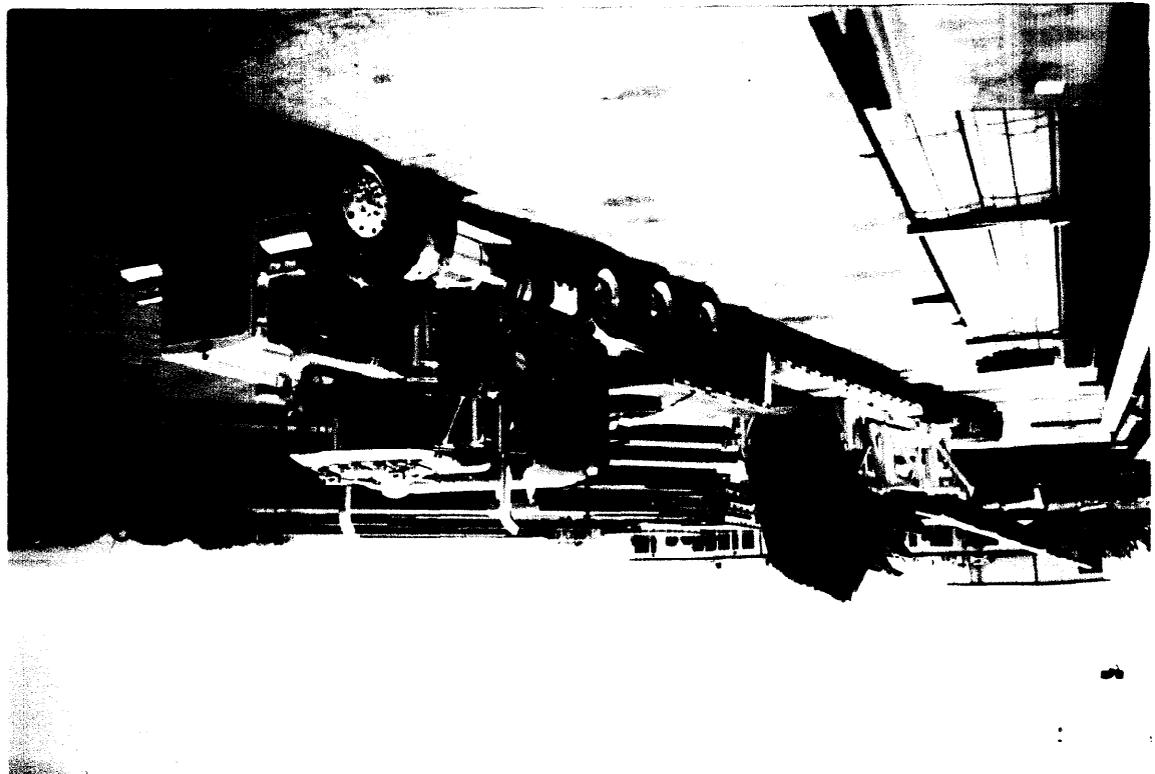
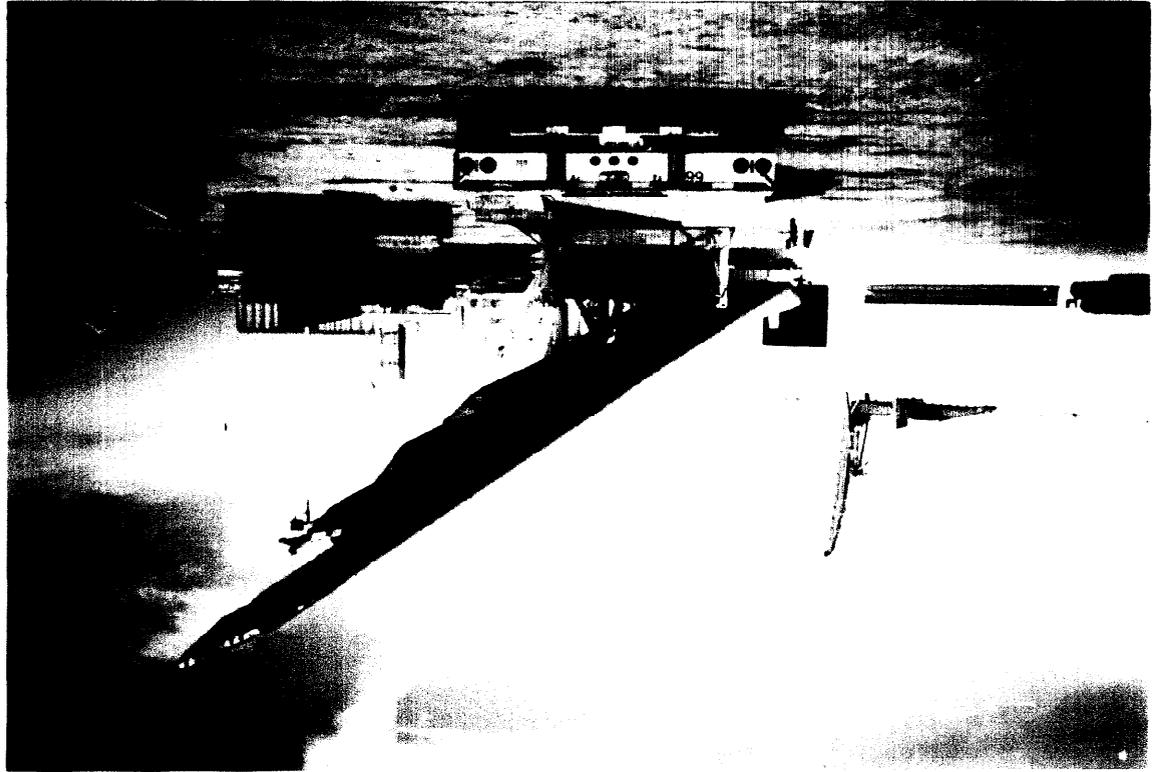


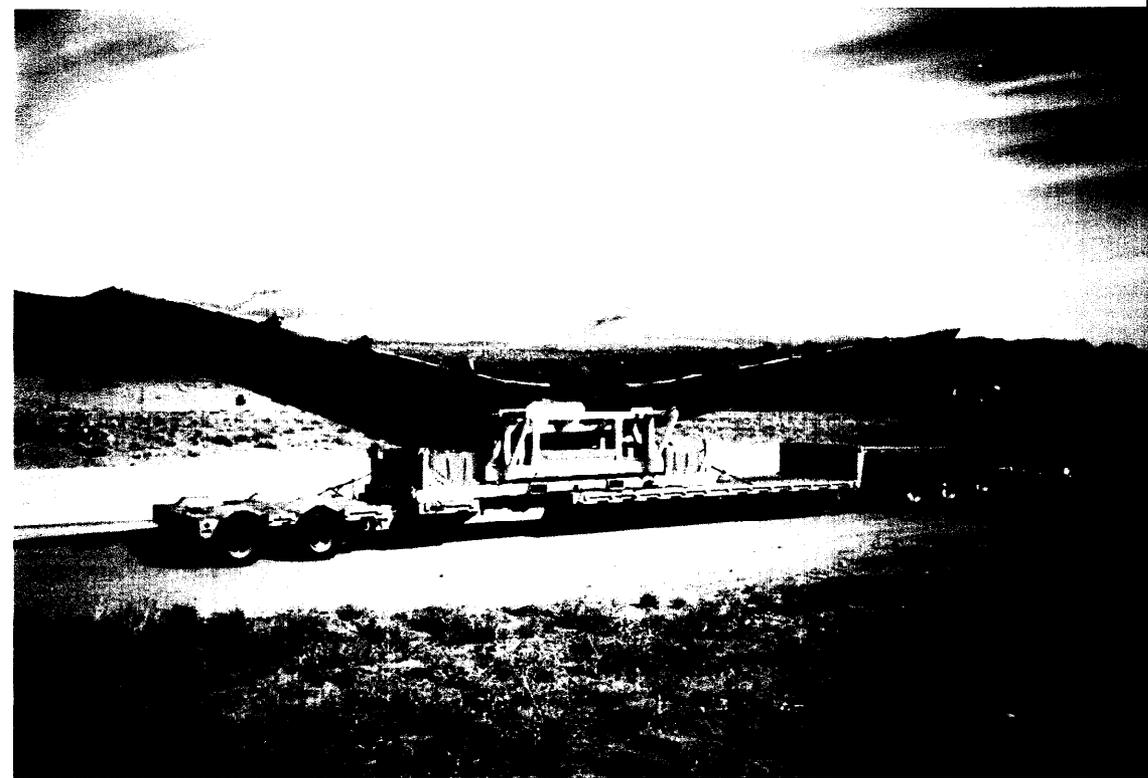
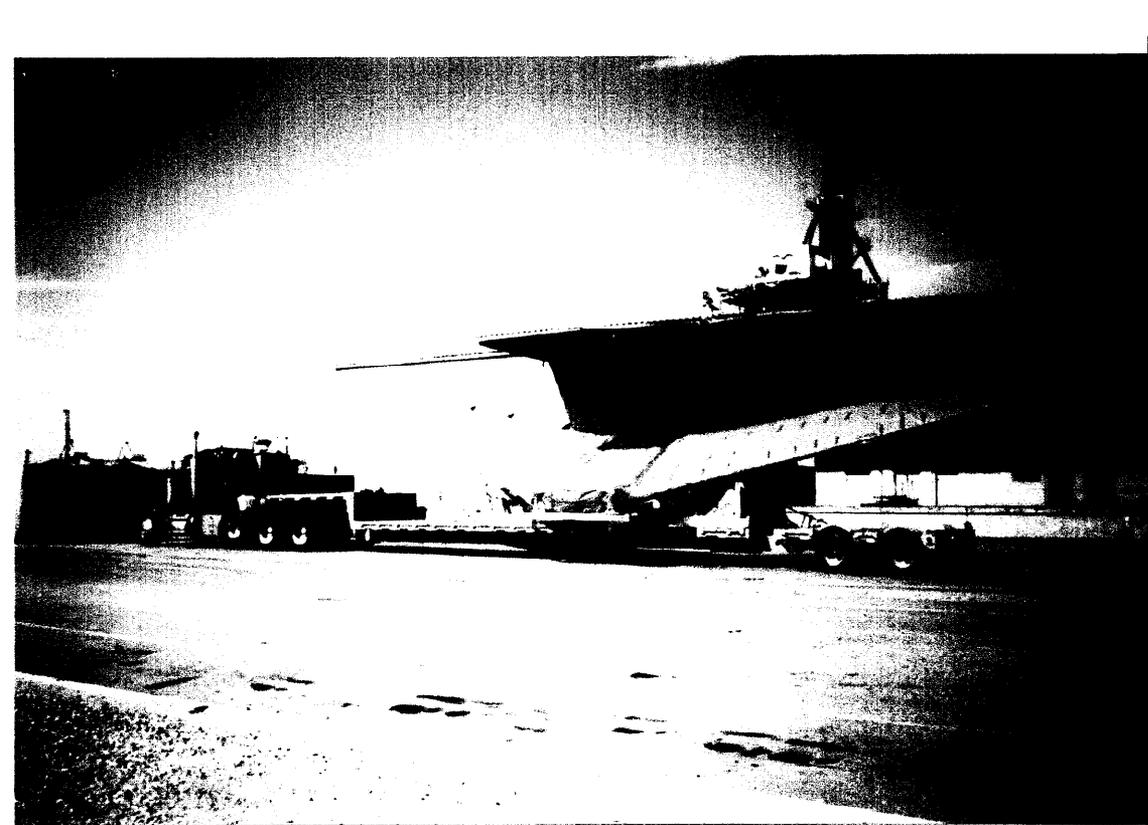
Jane P. Karlsten
Chief Executive Officer



JANE PICKNELLY KARLSTEN
CEO

Jet Airplane Wing Transport





Jet Airplane Wing Transport

Silk Road

TRANSPORT, INC.



(607) 295-7406

8781 Route 36, Arkport, New York 14807
FAX: (607) 295-7144 • Website: silkroadtrans.com

Member:
Specialized
Carriers & Rigging
Association



Member:
American
Trucking
Association

Silk Road

TRANSPORT, INC.

8781 Route 36, Arkport, New York 14807

(607) 295-7406

FAX: (607) 295-7144 Website: silkroadtrans.com

- Domestic and International Transport
 - Import • Export
- CANADIAN - Extra Provincial Authorities
- USA and CANADA Customs Bonded Carrier
- Department of Defense Qualified Carrier • Freight Forwarding
- Certified DBE/WBE • Consultants - Rail Vehicle Transport

MODERN AIR-RIDE EQUIPMENT:

- Flatbeds - extendables
- Drop-Decks - extendables, tilt-beds
 - Railcar - roll-on/roll-off trailers
- Lowboys - detachable goosenecks, extendables
- Vans
- Dollies
- Multi-Axle Combinations

Silk Road Transport, Inc. maintains all equipment for utmost safety and efficiency. We continually update and increase the number and diversity of our fleet.

PHILOSOPHY:

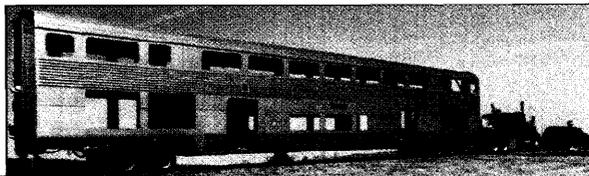
To continually strive for perfection, as we sustain excellence. To meet the transport needs of our clients by satisfying the requirements of their customers. To regard all cargo as special and deserving of individual attention regardless of size.

CORPORATE HISTORY:

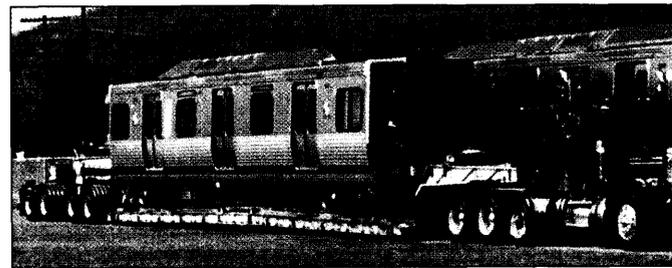
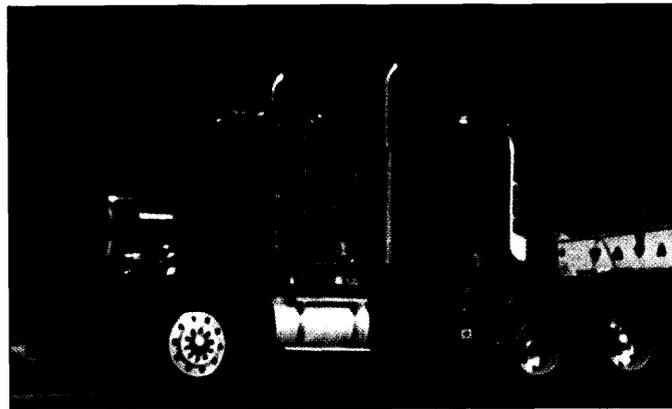
Silk Road Transport was incorporated in 1983, as a motor carrier specializing in the transportation of unusual products for the exacting customer. Silk Road's founders have extensive experience in the mass transit industry. This knowledge enables Silk Road to recognize the need for personalized and specialized transport services of mass transit vehicles and components. This expertise extends to oversized and general cargoes. Silk Road has established a reputation for its attention to cargo details and consideration of personalized requirements and desires of its shippers and receivers.

Silk Road Transport customizes its highway dollies for each railcar design.

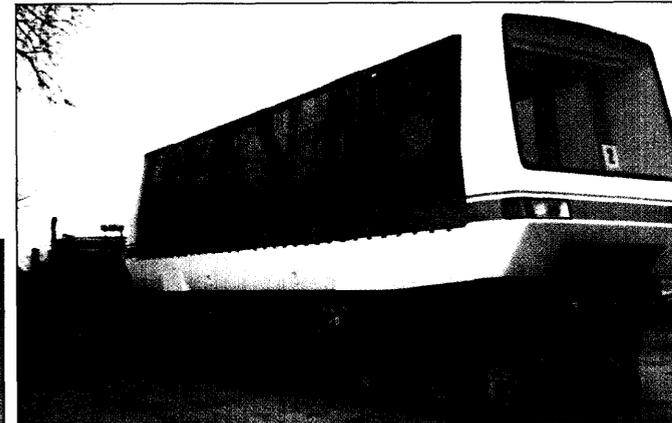
Commuter railcar shells are transported from port of entry on Silk Road highway dollies.



Photograph courtesy of Tricia C. Pidlaon

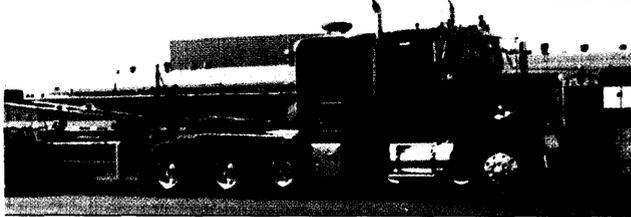
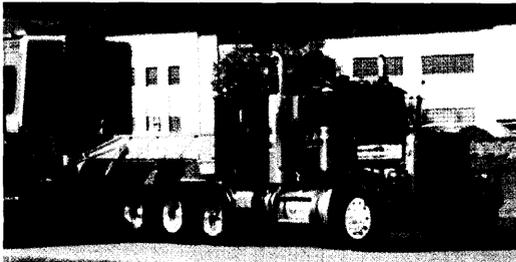
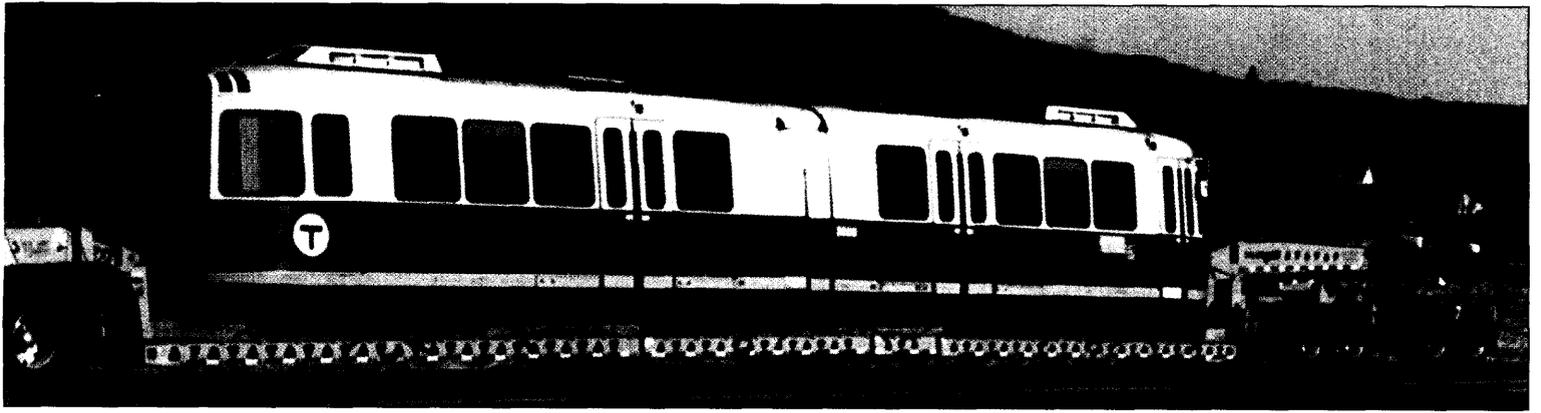


Silk Road modular deck trailers transport unique structures.



Cargo travels internationally on Silk Road equipment.

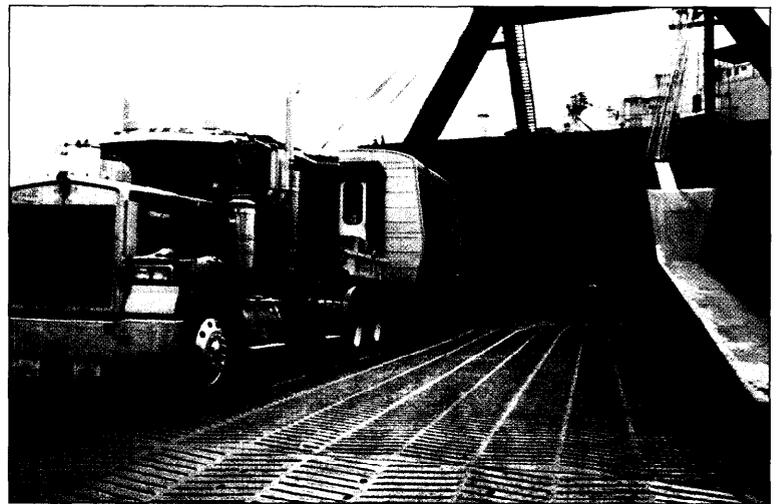
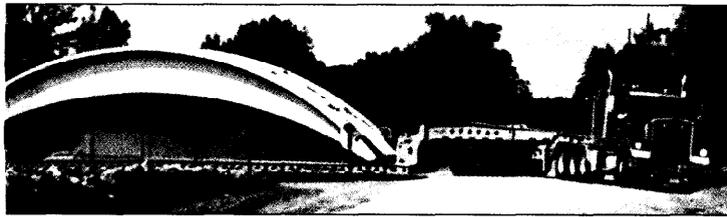
Air-ride equipment with various deck heights.



Silk Road provides roll-on/roll-off transport from point of manufacturer to destination.

MASS TRANSIT:

Silk Road Transport specializes in the efficient and reliable transport of mass transit rolling stock and vehicle components. Transportation is carried out with the knowledge that minimal handling of this cargo greatly reduces exposure to damage. Specialized rail to rail, roll-on/roll-off equipment transports complete rail vehicles nationally and internationally. Silk Road offers all inclusive transport services - highway, ocean, air - for complete mass transit vehicle manufacturing and remanufacturing projects. The Company's extensive experience in fulfilling the individual requirements of transit authorities and municipalities works to ensure the complete satisfaction of the transport needs and desires of all our customers.

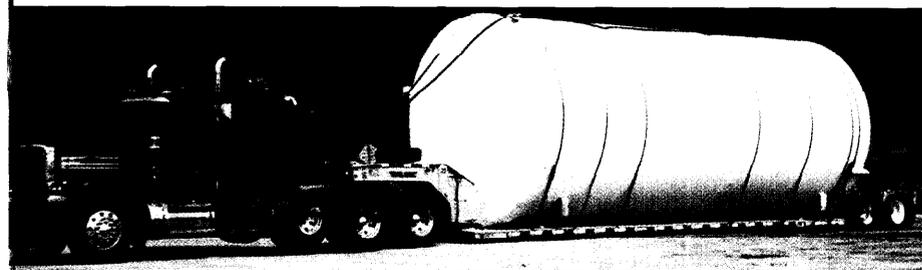


Silk Road moves cargo safely in and out of ships' holds.

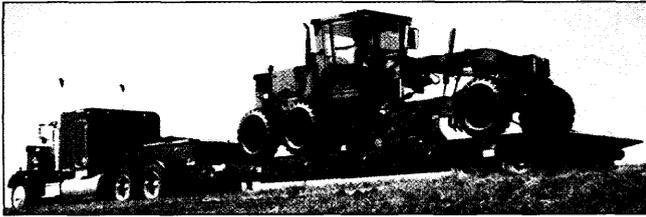
OUR NAME:

The name Silk Road Transport is derived from the ancient network of trade and communication routes linking Europe, the Middle East and China - known collectively as the "Silk Roads". Trade in silk from China gave the Silk Roads their name. The western terminus of the routes was Constantinople, current day Istanbul, Turkey; the eastern terminus was Xi'an, the ancient capital of China. The hazardous and tortuous Silk Roads were conduits for the dissemination of ideas, the interaction of societies, commerce and conquest.

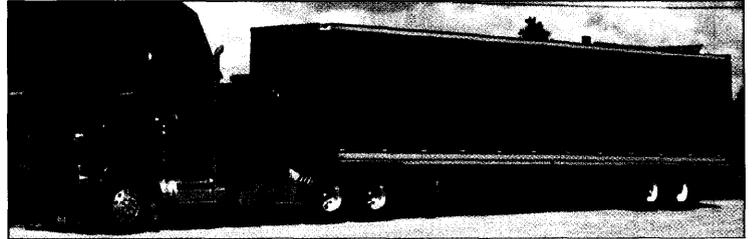
Source: ARAMCO WORLD, July-August 1988



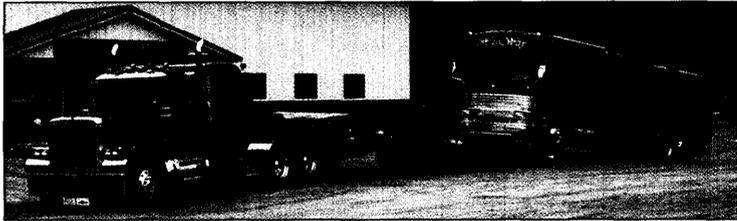
"Silk Road" Transport exemplifies its namesake by transporting precious cargo over diverse trade routes using various transport modes serving the global market.



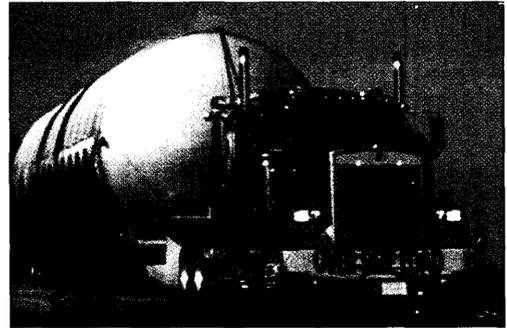
Farm, Industrial and Military equipment.



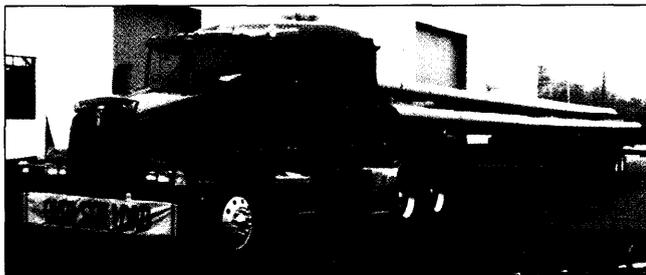
Air-ride vans with second floor systems.



Tilt-bed trailers for roll-on/roll-off applications.

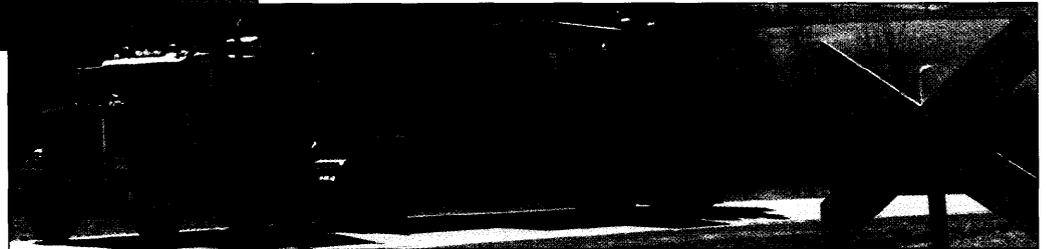


Multi-configuration trailers to move cargoes for a wide range of end-user industries.



Flat-bed hauling services.

Transportation of time sensitive promotional equipment.



Silk Road

TRANSPORT, INC.

8781 Route 36
Arkport, New York 14807

(607) 295-7406
FAX: (607) 295-7144
Website: silkroadtrans.com

Member:
Specialized
Carriers
& Rigging
Association



Member:
American
Trucking
Association

