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Dockets Management Facility  
Room PL-401  
400 Seventh Street, SW  
Washington, DC 20590-0001

RE: Docket FMCSA-97-2289 -52

This letter responds to the notice published in the December 18, 2000, *Federal Register*. The Georgia Public Service Commission ("Commission") is the state lead agency for the Motor Carrier Safety Assistance Program (MCSAP). The views expressed here represent the consensus of the Commission Staff on this rulemaking notice.

The role of proper load securement in highway safety should not be underestimated. Over the years, load securement of all kinds of products have raised the following issues:

1. Our agency, as part of its Commercial Vehicle Safety Plan development, surveyed some 2500 crash reports from Georgia. Although mechanical defects overall played a small direct role in crashes, the most common "mechanical" defect identified in crash cause was improper load securement.
2. By far the most common telephone complaint made by the motoring public to the Commission relates to improperly secured loads, particularly of gravel, rock, and sand products. Garbage, refuse, and, to a lesser extent, scrap metal, also generate considerable telephone complaints. Another area of complaint, though much less frequent, deals with bark and other materials leaving logs and trees, and with mud, dirt, and rocks from construction equipment used off-road.
3. Another area of great debate and uncertainty comes from palletized loads of sod-grass. The industry uses a variety of systems, ranging from nothing (e.g., reliance on friction and gravity), to strapping each set of pallets. Industry representatives often complain that using strapping damages the sod, and that using a cover on top of the material (such as plywood) will ruin the top layer.

4. Some specialty vehicles also carry machinery for the loading and unloading of cargo. The securement of this machinery must be considered. The first of these is a forklift usually mounted to the rear of a trailer, which uses the forks and the machinery lifting mechanism to raise the machinery wheels off the ground. Supplemental chains and/or load binders are used to secure the machinery. This type of forklift is common in the sod-grass and building materials industry. The second is a conventional forklift carried in a lowered area on a flatbed trailer. The trailer is equipped with fold-down ramps to allow the forklift on and off the trailer. This trailer/forklift arrangement is typically used in the scrap paper/cardboard industry.
5. "Super sacks," or flexible intermediate bulk containers, are widely used for a variety of both hazardous and non-hazardous materials. We find that it is not uncommon for carriers of these materials to rely on friction and gravity, and while the general requirements of §§393.100 – 393.106 address these, it may be useful for FMCSA to address them specifically.
6. Intermediate bulk containers, which carry a variety of liquid materials, both hazardous and non-hazardous, represent a special hazard: Liquid surge, which can cause package and/or vehicle overturn. We have one overturn crash and at least one incident, each of which were directly attributable to improperly secured IBC's. In the second incident, an IBC completely overturned inside a trailer due to a panic stop. While both of these involved hazardous materials, and were thus addressed under the HMR, similar incidents involving non-hazardous materials could easily occur.

We can identify at least four crashes caused or directly related to load securement:

1. A flatbed trailer transporting scrap corrugated cardboard lost a substantial portion of the load in a curve of an interstate highway. The cardboard in this case was waxed, exacerbating the situation. Many of the pieces of cardboard fell into the highway, causing two separate additional motor vehicle crashes. The cardboard also represented a slip and fall hazard for responders. The load had been "secured" with two nylon straps running the length of the trailer (i.e., no side-to-side securement). FMCSA needs to include a requirement that any material with a lower friction (such as an oily or waxy surface, or a surface treatment such as Teflon®) must have additional securement to maintain its integrity.
2. A vehicle transporting rolls of paper with its eyes vertical inside a closed van-type trailer, overturned on a curved ramp between two interstates. The load did not have any additional securement. The load shifted, and two of the paper rolls went through the plywood and metal composite side of the trailer, and across a four-lane highway. Fortunately, the paper did not hit any other vehicles or persons. The combination vehicle overturned.
3. A similar accident happened on another interstate ramp, and two of the paper rolls fell onto the interstate below. Again, no one was injured, but the falling paper did substantial damage to the highway.
4. A van-trailer loaded with boxed picnic table kits. The boxes were not palletized, and were loaded longitudinally. As the vehicle combination rounded a curve, the boxes slid to the left, contributing to trailer overturn.

In light of the foregoing, the Commission staff offers the following comments:

### **Relationship to the Hazardous Materials Regulations**

FMCSA must coordinate with RSPA on this rulemaking and at least acknowledge the provisions of 49 CFR §177.834 and other hazardous materials load securement requirements, as well as the limitations of those sections of the HMR. A statement could be added to §392.9, such as, "Hazardous Materials, as defined in §171.8 of Subtitle I of this Title, must, in addition to the applicable requirements of this section and Subpart I of Part 393, also meet any applicable requirements of Part 177 of Subtitle I of this Title. Where Part 177 is silent or inapplicable, the rules in this Subtitle shall apply." This statement, or something similar, should be repeated in §393.100, perhaps as paragraph (d). Currently, the hazardous materials regulations do not contain any load securement for Class 9 materials and Combustible liquids, the only materials generally authorized to be in non-specification packaging. Exceptions in the HMR also relieve limited quantities and other excepted materials from the requirements of Part 177.

### **Regulatory statement regarding friction**

In the preamble to the rulemaking, at 65 FR 79051, FMCSA states, "friction [must] never be the sole means of ... securement." The Commission staff feels that this statement should be incorporated as part of the general rules in both §392.9 (in reference to both cargo and other items) and §393.100 (in reference to cargo).

### **Use of diagrams**

The Commission staff strongly feels that compliance with and enforcement of these rules would be greatly enhanced if diagrams illustrating the key points were included, either as part of the rule or as a new appendix to the FMCSR.

### **Height of log loads**

Under Georgia regulations, the height of a load of timber may not exceed the height of the stake. Also, the maximum stake height is set at 13'-6" above the roadway, the maximum height of a load without a permit. We feel that proposed §393.122(c)(3) should limit the height of a load of logs to the height of the tallest legal standard or stake.

### **Flatbed "rub rails"**

Except for a general statement in proposed §393.114, the rulemaking does not address the issue of tie down attachment points. Particularly on flatbed trailers, "rub rails" are used for tie down attachment, a questionable practice at best. Also, the proposed regulations should require that where rub rails are present, tie downs (especially webbing and fiber rope) should run behind the rub rail so they are protected against damage.

### **Effective date**

The effective date of July 1, 2001 is very ambitious, and certainly unrealistic. Some industries may need time to adapt to the new restrictions imposed in the rules (e.g., the prohibition of synthetic webbing as direct tie-downs through concrete pipe and for the securement of crushed vehicles). In addition, Georgia has its own intrastate regulations for the securement of forest products, and we will have to evaluate our regulations against the new Federal standards. Given

that comments are not due until March 19, 2001, we feel that a July 2001 implementation date is unrealistic. Indeed, we feel that FMCSA could not responsibly review and incorporate comments into a final rule by that date, and also expect training to be completed for the industry and state and local enforcement officials. In our opinion, an effective date of July 1, 2002 is the earliest practical date for the implementation of any final rule published by July 1, 2001. If the final rule is not published until after July 1, 2001, at least twelve months will be required to implement and train for compliance with a final rule.

The Commission appreciates the opportunity to comment on this important rulemaking docket. If you have any questions, please contact Capt. Bruce Bugg at 404-559-6627 or by e-mail at [bruceb@psc.state.ga.us](mailto:bruceb@psc.state.ga.us).

Sincerely,

**GEORGIA PUBLIC SERVICE COMMISSION**



Capt. Bruce Bugg