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HOBBS TRUCKING CO.

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March 14, 2001

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

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DEPT OF TRANSPORTATION

Re: Comments on Docket Number FMCSA-97-2289 • **53**

This writing is to request that FMCSA consider comments offered herein during the course of finalizing its proposed cargo securement rules. The main areas of concern to our company, Hobbs Trucking Company (hereinafter Hobbs), are as follows:

- Item# 1. The securement of rolls of newsprint paper, under 5000 pounds per roll and conveyed on a flatbed trailer or in an enclosed van trailer.
- Item# 2. The standard for the securement of general freight conveyed in van trailers.

The Hobbs family has been in the transportation business continuously since the early 1920's. During that time we have hauled many different types of freight ,dry and refrigerated, and several different types of agricultural products. For 35 years we hauled bulk citrus fruit, first for Minute Maid Products and later for Sunkist Growers, Inc. We began hauling newsprint paper in 1963. At first, the paper haul was only a portion of our total volume. However, in 1990 we decided to specialize in handling and hauling rolls of newsprint paper operating as a niche carrier for a few select customers. The bulk of our on-highway hauling is done as an interstate freight carrier operating within a 30 mile radius. Our company handles and hauls an average of 2,000,000 pounds of newsprint paper per day, 5 days per week while operating our main customer's newsprint paper warehouse. We currently operate 8 truck-tractors and generally speaking we use flatbed trailers in dry weather and van trailers in wet weather conditions. With such a short haul radius, we depend on volume and efficiency to keep us competitive. Over the last 38 years we have not had an incident or accident which resulted in losing a roll of paper off the front, side or rear of any type of trailer, flatbed or van. We average 100 loads per week within a 10 mile radius, 40 loads per week within a 30 miles radius and 10 loads per week within a 70 mile radius. To this date we have never had an incident either on highway or off, caused by paper rolls shifting while loaded on our trailers. The latter fact confirms that our restraint method for newsprint paper rolls is safe and secure even though it does not meet the standard of the proposed rules.

Considering the background information given in the previous paragraph and our excellent safety record, I believe we are qualified to offer an educated and experienced opinion on the subjects discussed in this letter. For the last 37 years we have secured the loads we haul on our flatbeds in an "indirect manner" by using the characteristics of the rolls themselves to assist our "fence method" of restraint. Twenty years ago we received a "safe load" opinion from the California Highway Patrol for the securement method shown in the enclosed photographs. Experience has taught us that the rolls we haul, when stacked tightly on, or in, any trailer act as if the individual rolls were a single mass which, in turn, serves to hold the rolls tightly on the trailer. With these single (not stacked) rolls we have found that it is not necessary to use a direct restraint method to hold the rolls motionless over the short distance that our loads travel. We do, however, use a direct restraint when we double stack rolls no matter what their dimensions (please refer to enclosed photographs).

We deliver an average of 100 loads of paper per week to one customer located within a 10 mile radius of the point of origin. Their unloading facility is in the basement of their building with extremely limited work space around and over the loaded trailer for untying and unloading the rolls of paper. That is why we use flatbed trailers to haul their paper. If we are forced to comply with the new regulation, as I understand it, instead of one of our drivers making 7 loads in a 9 hour work day, he would only make 4 loads in a 9 hour day. To make up for the lost efficiency we will be forced to buy more equipment, hire more drivers and increase our rates. Our customers would not understand the lost efficiency and would strenuously object to the increased rates. If we could not raise rates we would be forced to shutdown our operation. That would put 27 people out of work, many of whom have been with us for 20 years or more and force the newspaper that we have served for 38 years to find another carrier. If our safety record was poor, I could understand the need for us to use the type of securement regulations being proposed. To further comment, I have not heard of any other carriers that haul rolls of paper that have had a problem with either shifted or lost rolls of paper loaded on trailers. This being the case, I do not understand the need for the proposed securement regulations for rolls of newsprint paper.

As for item #2 mentioned above, I urge the FMCSA to reconsider the proposed regulation for securement of freight hauled in an enclosed van trailer. I spoke recently with a trailer rental fleet manager whose company has over 60,000 van trailers in their fleet. I have heard from a reliable and informed source that it will cost \$2300.00 to retrofit a van trailer to meet the requirement. For that fleet alone, it will cost \$138,000,000.00 to retrofit their vans. They simply cannot do it and that number of van trailers is a only a small portion of the total number of vans registered in the USA. This part of the regulation alone will impose an economic hardship that will cripple our industry just to satisfy a perceived need that has not yet been clearly defined, established or justified. It is my opinion that the rule, as it applies to van trailers, is simply too vague to be interpreted consistently by the various enforcement agencies and far too costly for the carriers to achieve compliance.

In conclusion, I must say that Hobbs has always been, and continues to be, committed to any safety improvement that is based on sound principals, substantiated by proven facts and proposed for the purpose of correcting a known problem. I believe that we are trying to fix a problem that does not exist in sufficient quantity to justify the cost and confusion it will most assuredly imposed on our industry and the nation's economy. I urge the FMCSA to reconsider the implementation of the proposed rules and instead develop a more workable, enforceable, cost effective and realistic set of regulations to ensure cargo restraint safety.

Very truly yours,

Hobbs Trucking Company

A handwritten signature in black ink that reads "Lee Hobbs". The signature is written in a cursive, flowing style.

Lee Hobbs
General Manager

enclosures







