



Commercial Vehicle Safety Alliance

June 1, 2009

Rose McMurray
Acting Deputy Administrator
U.S. DOT / FMCSA
1200 New Jersey Avenue SE, West Bldg.
Washington, DC 20590

Dear Acting Deputy Administrator McMurray:

Pursuant to 49 Code of Federal Regulations (CFR), the Commercial Vehicle Safety Alliance (CVSA) is petitioning the Federal Motor Carrier Safety Administration (FMCSA) to amend 49 CFR §393.70 Coupling devices and towing methods, except for driveaway-towaway operations.

The petitioner requests to amend 49 CFR §393.70(c) and (d) from the current regulatory language:

§393.70 Coupling devices and towing methods, except for driveaway-towaway operations.

- (c) ***Towing of full trailers.*** *A full trailer must be equipped with a tow-bar and a means of attaching the tow-bar to the towing and towed vehicles. The tow-bar and the means of attaching it must—*
- (1) *Be structurally adequate for the weight being drawn;*
 - (2) *Be properly and securely mounted;*
 - (3) *Provide for adequate articulation at the connection without excessive slack at that location; and*
 - (4) *Be provided with a locking device that prevents accidental separation of the towed and towing vehicles. The mounting of the trailer hitch (pintle hook or equivalent mechanism) on the towing vehicle must include reinforcement or bracing of the frame sufficient to produce strength and rigidity of the frame to prevent its undue distortion.*
- (d) ***Safety devices in case of tow bar failure or disconnection.*** *Every full trailer and every converter dolly used to convert a semitrailer to a full trailer must be coupled to the frame, or an extension of the frame, of the motor vehicle which tows it with one or more safety devices to prevent the towed vehicle from breaking loose in the event the tow bar fails or becomes disconnected.*

To read the following:

§393.70 Coupling devices and towing methods, except for driveaway-towaway operations.

- (c) **Towing of trailers.** Every full trailer, every converter dolly used to convert a semitrailer to a full trailer, and every semitrailer not utilizing a fifth wheel coupling device must be equipped with a tow-bar and a means of attaching the tow-bar to the towing and towed vehicles. The tow-bar and the means of attaching it must—
- (1) Be structurally adequate for the weight being drawn;
 - (2) Be properly and securely mounted and maintained;
 - (3) Provide for adequate articulation at the connection without excessive slack at that location; and
 - (4) Be provided with a locking device that prevents accidental separation of the towed and towing vehicles. The mounting of the trailer hitch (pintle hook or equivalent mechanism) on the towing vehicle must include reinforcement or bracing of the frame sufficient to produce strength and rigidity of the frame to prevent its undue distortion.
- (d) **Safety devices in case of tow bar failure or disconnection.** Every full trailer, every converter dolly used to convert a semitrailer to a full trailer, and every semitrailer not utilizing a fifth wheel coupling device must be coupled to the frame, or an extension of the frame, of the motor vehicle which tows it with one or more safety devices to prevent the towed vehicle from breaking loose in the event the tow bar fails or becomes disconnected.

Consideration should be given to redefine the definition of a “semitrailer” in 49 CFR §390.5, which would subsequently redefine everything else as a “trailer”, unless already defined as a “full trailer” or a “pole trailer”, to read as follows:

Trailer includes:

- (c) **Semitrailer** means any motor vehicle, other than a full trailer or a pole trailer, which is designed to be drawn by another motor vehicle and is constructed in such a manner that a substantial part of its weight rests upon or is carried by another vehicle by means of a fifth wheel.

However, by expanding or further defining the definition of a “trailer” in the Federal Motor Carrier Safety Regulations (FMCSRs), the Agency would have to amend several other sections of the regulation.

Justification

49 CFR Part 393, Subpart F, §393.70(c) and (d) fails to include a requirement for safety devices on semitrailer configurations not utilizing a fifth wheel coupling device (i.e. pintle hook and/or ball and socket type coupling devices). The current regulatory authority in the Federal Motor Carrier Safety Regulations (FMCSRs) only applies to a full trailer and converter dolly used to convert a semitrailer to a full trailer. We believe this is a shortcoming within the FMCSRs to exclude pintle hook and/or ball and socket type coupling devices from requiring a secondary means of connection or attachment (i.e. safety devices).

Furthermore, the semitrailer illustrations in §393.11 are displaying safety chains, so intuitively; it's reasonable to assume that these semitrailers would require a secondary means of connection or attachment. In addition, §396.17 Periodic inspection, and subsequently Appendix G to Subpart B – Minimum Periodic Inspection Standards, gives the allusion that safety chains are required for every commercial motor vehicle, such as those connected by a pintle hook or a ball and socket type coupling device.

Safety chains for pintle hook (Attachments 1 & 2) and ball and socket (Attachments 3 & 4) type coupling devices on trailers have for several years been manufactured to design and performance standards and guidelines set forth by the Society of Automotive Excellence (SAE), the Truck Trailer Manufacturers Association (TTMA), and the National Association of Trailer Manufacturers (NATM):

SAE Standard J684: Trailer Couplings, Hitches, and Safety Chains—Automotive Type
SAE Standard J847: Trailer Tow Bar Eye and Pintle Hook / Coupler Performance
SAE Standard J697: Safety Chains for Full Trailers or Converter Dollies
TTMA Recommended Practice (RP No. 6): Trailer Hitches and Connections for Interchange Service
NATM Compliance Program: Guidelines for Minimum Manufacturing Practices for Light- and Medium-Duty Trailers

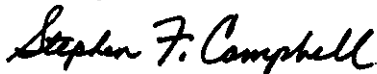
As a result, a number of U.S. (Attachment 5) and Canadian jurisdictions have enacted State/Provincial/Territorial traffic safety regulations requiring a secondary means of connection or attachment for pintle hook or a ball and socket type coupling devices. And subsequently, these coupling devices have been maintained, inspected during a periodic inspection, and enforced during a random roadside inspection for several years.

The Alliance works to closely monitor, evaluate, and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions.

We appreciate the dedication and commitment of our partner organizations such as FMCSA in helping us address these challenges and supporting our mission of *Promoting Commercial Motor Vehicle Safety and Security*.

If you have further questions or comments, please do not hesitate to contact me by phone at 202-775-1623, ext. 109 or by email at stephenc@cvsa.org.

Sincerely,



Stephen F. Campbell
Executive Director

Cc: Darren E. Christle, President, CVSA
Kerri Wirachowsky, Vehicle Committee Chair, CVSA

Supporting Documents:

Attachment 1 – Pintle Hook Coupling Device with Trailer Air Brakes

Attachment 2 – Pintle Hook Coupling Device with Trailer Electric Brakes

Attachment 3 – Ball and Socket Coupling Device with Surge Brakes

Attachment 4 – Ball and Socket Coupling Device with Surge Brakes

Attachment 5 – NATM State Safety Chain Laws – Table 2007