



AMERICAN TRUCKING ASSOCIATIONS

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Dave Osiecki
Vice President
Safety, Security & Operations

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Michael Robinson, Esq.
Counsel
Alabama Department of Public Safety
301 South Ripley St.
Montgomery, AL 36104

Dear Mr. Robinson:

The American Trucking Associations (ATA)¹ recently learned the State of Alabama has enacted a law [Code of Alabama 1975, §32-9A-2(a)(4)a] and prescribed a regulation [No. 760-X-1-16 (2)] concerning the securement of metal coils moved in interstate commerce. This law, effective on June 1, 2009, requires drivers of motor carriers that "initiate or terminate in [Alabama] the commercial transport of metal coils" to undergo a prescribed online training course, pass an online test, and carry a certificate of training completion on their person. *The purpose of this letter is to urge that the Alabama Department of Public Safety (DPS) incorporate, in its implementing regulation, a process allowing interstate motor carriers to self-certify their company-based training programs as providing a level of safety equal to, or greater than, the level of safety that would be obtained by completing the prescribed online training program. For example, the process might allow a carrier to provide evidence to DPS of the particulars of its training program relating to metal coil securement; its process for ensuring that all of its drivers have successfully completed its training program; as well as information on their overall safety record.*

ATA supports the objective of the law--to prevent the tragic events that have occurred on Alabama's highways in the recent past. ATA believes, however, there are other ways the objective can be met. We have received numerous complaints from our interstate motor carrier membership, and from our affiliated state trucking associations across the country, about the burdens imposed on interstate commerce by this new law.

Existing federal regulations at 49 CFR 393.120 specifically address the requirements for securing metal coils. Furthermore, under 49 CFR 390.3 (e)(2) "[e]very driver and employee shall be instructed regarding, and shall comply with, all applicable regulations contained in this subchapter." Under these federal regulations, safe, responsible interstate motor carriers have already taken steps to comply with federal metal coil securement rules. Although the Alabama newly prescribed training regime is somewhat duplicative of the federal standards, it adds additional requirements (especially administrative steps) that impose new obligations on motor carriers. As such, the new requirement, if replicated by other states with respect to this issue or other truck safety matters, would create a patchwork of unique, differing (possibly conflicting) state regulations that would result in an enormous administrative burden for interstate motor carriers.²

¹ ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Its membership includes more than 2,000 trucking companies and industry suppliers of equipment and services. Directly and indirectly through its affiliated organizations, ATA encompasses over 34,000 companies and every type and class of motor carrier operation.

² In such circumstances, under the terms of 49 U.S.C. § 31141, the U.S. Department of Transportation may preempt state truck safety regulations if those regulations impose requirements in excess of federal safety standards and in their operation would burden interstate commerce.

Good stuff.

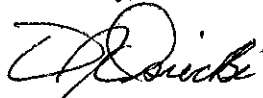


ATA respectfully requests that the Department of Public Safety incorporate, in its implementing regulation, a reasonable process allowing safe, responsible interstate motor carriers to self-certify their company-based training programs as providing a level of safety equal to, or greater than, the level of safety that would be obtained by completing the prescribed online training program. This approach would fulfill both the purpose and spirit of Alabama's new law.

Also, given the short window of opportunity in which to achieve compliance, ATA requests that the Department of Public Safety provide for a 'soft enforcement' period to allow the affected carriers to gain compliance before customary enforcement begins.

We appreciate the opportunity to comment on this issue and thank you in advance for your consideration of this request.

Sincerely,



David J. Osiecki
ATA Vice President of Safety, Security & Operations

CC: Frank Filgo, Alabama Trucking Association
Rose McMurray, Acting Administrator, FMCSA