



March 13, 2018

Brandye Hendrickson
Acting Administrator
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Hendrickson,

On behalf of the Specialized Carriers & Rigging Association, I am requesting clarification and guidance on the definition of a "non-divisible load" regarding:

- The transport of transformers containing fluid as per the 12/12/17 CVSA request (see attached).
- How the federal definition applies in general to all loads.

The following is listed on the Federal DOT FHWA website -

https://ops.fhwa.dot.gov/freight/sw/permit_report/index.htm

Permits - The Federal government does not issue permits for oversize or overweight vehicles. This is a State option.

Nondivisible Loads:

Permits may be issued by the States without regard to the axle, gross, or Federal bridge formula requirements for nondivisible vehicles or loads. Nondivisible is defined as any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles, would:

- Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended;**
- Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or**
- Require more than 8 work hours to dismantle using appropriate equipment. The applicant for a nondivisible load permit has the burden of proof as to the number of workhours required to dismantle the load.**

The word, "or" at the end of ii indicates that a load that meets any one or more of the three definitions shall be considered non-divisible. Occasionally, we find state officials misinterpreting the definition to suggest that failing to meet any one of the three definitions indicates the load is divisible. Most often, we find state officials erroneously applying this to the third definition – 8-hour dismantle.

In the case of transformer fluid, the process by which the oil is drained meets the 8-hour dismantle definition as well as the first two definitions regarding compromising the load and destroying the value of the load. Thus, such loads should be interpreted as non-divisible.



Clearly, a disconnect exists across the country as CVSA in its 12/12/17 letter to FMCSA states, “...there are currently inconsistent practices across North America related to the issuance of special permits to transporters who are transporting transformers.”

Frequently, interpretations of a specific load differ from one state to another and in some cases even between government jurisdictions within a state, resulting in unnecessary loss of safety, time and cost. Again, the 12/12/17 CVSA letter to FMCSA states, “This inconsistency is causing various issues for industry...This is impractical and results in an inefficient use of the nations roadways, as well as hindering uniform enforcement from state to state.”

For example, crane manufacturers indicate counterweights are necessary to provide proper balance of a moving mobile crane. Without the counterweights, the crane (load) is “unable to perform the function for which it was intended” and makes it “unusable for its intended purpose”. Although to be considered “non-divisible” a load must meet only one of the definitions points, counterweights meet all three points. Yet interpretation of the federal definition with regard to counterweights varies moderately to dramatically from one state to another.

SC&RA joins CVSA in requesting the Federal Highway Administration issue guidance clarifying whether or not transformers containing fluid constitute a “non-divisible load”. As part of your response, SC&RA further requests FHWA to issue guidance clarifying as to whether a load should be considered non-divisible if it meets one, two or all three of the parts of the definition commonly referred to as the federal definition of non-divisible loads. The desired goal is that the FHWA guidance and clarification results in uniform interpretation of the non-divisible load definition as defined in the Code of Federal Regulations, Title 23, Part 658 (1984) by the U.S. Department of Transportation, Federal Highway Administration.

We appreciate the agency’s commitment to safety and stakeholder involvement. If you have further questions or comments, please do not hesitate to contact me at (703) 698-0291 or stodd@scranet.org

Sincerely,

Steven A. Todd
Vice President
Specialized Carriers & Rigging Association