
Transportation Committee

HB 2527

Brief Description: Concerning intermodal container chassis.

Sponsors: Representatives Eddy, Upthegrove, Van De Wege, Springer, Moscoso, Armstrong, Asay, Fitzgibbon, Liias and Moeller.

Brief Summary of Bill

- Assesses any infraction, fine, or penalty for a violation on an intermodal container chassis and/or intermodal containers against the intermodal equipment provider (IEP) whose United States Department of Transportation number is indicated on the intermodal container chassis.
- Requires that motor carrier drivers and the IEPs must comply with federal intermodal container chassis inspection regulations.
- Establishes a definition for an "intermodal container."

Hearing Date: 1/30/12

Staff: Jerry Long (786-7306).

Background:

"Intermodal container chassis" or "chassis" means a trailer designed to carry intermodal freight containers. "Intermodal equipment provider (IEP)" means any person that interchanges intermodal equipment (IME) with a motor carrier pursuant to a written interchange agreement or has a contractual responsibility for the maintenance of the IME. "Intermodal container" means a container that can be moved from one mode of transport to another without unloading and reloading the contents of the container.

There are requirements under the Federal Motor Carrier Safety Administration (FMCSA) regulations regarding the IMEs and the IEPs. An IEP must:

- mark its IME with a United States Department of Transportation (USDOT) number, which became a requirement on December 17, 2010;

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- systematically inspect the IME at least every 12 months, repair and maintain, or cause the IME to be systematically inspected, repaired, and maintained in a manner consistent with federal regulations;
- ensure that the IME intended for interchange with motor carrier is in safe and proper operating condition;
- maintain a system of driver inspection reports;
- maintain a system of inspection, repair, and maintenance records and periodically inspect the equipment;
- at facilities at which the IEP makes the IME available for interchange, have procedures in place, and provide sufficient space, for a driver to perform a pre-trip inspection of the tendered IME; and
- at facilities at which the IEP makes the IME available for interchange, develop and implement procedures to repair any equipment damage, defects, or deficiencies identified as part of a pre-trip inspection, or replace the equipment, prior to the driver's departure. The repairs or replacement must be made after being notified by a driver of such damage, defects, or deficiencies.

Before operating the IME over the road, the driver accepting the equipment must:

- inspect the equipment components listed in the federal regulations and be satisfied they are in good working order; and
- during the pre-trip inspection, check that the following parts of the chassis are in good working order: brakes and connections; lights and reflectors; tires; wheels; lugs; couplers; chassis rails and frames; tie downs; locking pins; clevis; clamps; hooks; and sliding frame lock.

A driver or motor carrier transporting the IME must report to the IEP, or its designated agent, any known damage, defects, or deficiencies in the IME at the time the equipment is returned to the provider or the provider's designated agent. If a driver finds a defect during the inspection, the IEP must either fix the problem or replace the IME before the driver begins the trip.

To evaluate an IEP's safety and compliance, the FMCSA will conduct roadability reviews which includes an on-site examination of an IEP's inspection, repair, and maintenance operations and records. The FMCSA may cite the IEP for violations found and may impose civil penalties. State and local law enforcement can also enforce compliance with the federal regulations.

The driver is responsible for moving violations and, in most cases, will receive the traffic citation for a non-moving violation, for example, equipment once on the public roadways.

Summary of Bill:

For a violation identified by any law enforcement entity on an intermodal container chassis used to move intermodal containers, any infraction, fine, or penalty assessed on the intermodal container chassis must be assessed against the IEP whose USDOT number is indicated on the intermodal container chassis.

The intermodal container chassis may be placed out of service by law enforcement until the violation is corrected. The IEP of the intermodal container is responsible for the cargo within and security of the intermodal container and may move the intermodal container from an

intermodal container chassis that has been placed out of service to another intermodal container chassis to complete the transport.

A copy of the infraction, fine, or penalty assessed must be provided to the IEP. The IEP is responsible for payment of the infraction, fine, or penalty when it pertains to the intermodal container and intermodal container chassis including, but not limited to, weight violations.

Motor carrier drivers and the IEPs must comply with federal intermodal container chassis inspection regulations.

The bill establishes a definition for an "intermodal container" which means a container that can be moved from one mode of transport to another without unloading and reloading the contents of the container.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2012.