
**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION**

**49 C.F.R. PARTS 385, 386, 390, 392, 393 and
APPENDIX G TO SUBCHAPTER B OF CHAPTER III**

**REQUIREMENTS FOR INTERMODAL EQUIPMENT PROVIDERS AND MOTOR
CARRIERS AND DRIVERS OPERATING INTERMODAL EQUIPMENT**

DOCKET NO. FMCSA-2005-23315

**SUPPLEMENTAL COMMENTS OF THE
AMERICAN ASSOCIATION OF PORT AUTHORITIES;
ASSOCIATION OF AMERICAN RAILROADS;
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS;
INTERMODAL ASSOCIATION OF NORTH AMERICA;
THE NATIONAL ASSOCIATION OF WATERFRONT EMPLOYERS;
THE OCEAN CARRIERS EQUIPMENT MANAGEMENT ASSOCIATION, INC.;;
and THE UNITED STATES MARITIME ALLIANCE, LTD.**

**SUPPLEMENTAL COMMENTS OF THE
AMERICAN ASSOCIATION OF PORT AUTHORITIES;
ASSOCIATION OF AMERICAN RAILROADS;
INSTITUTE OF INTERNATIONAL CONTAINER LESSORS;
INTERMODAL ASSOCIATION OF NORTH AMERICA;
THE NATIONAL ASSOCIATION OF WATERFRONT EMPLOYERS;
THE OCEAN CARRIERS EQUIPMENT MANAGEMENT ASSOCIATION, INC.;
and THE UNITED STATES MARITIME ALLIANCE, LTD.**

Introduction

The intermodal industry, as represented by the American Association of Port Authorities (AAPA); the Association of American Railroads (AAR); the Institute of International Container Lessors (IICL); the Intermodal Association of North America (IANA); the Ocean Carrier Equipment Management Association (OCEMA); the National Association of Waterfront Employers (NAWE); and the United States Maritime Alliance, Ltd. (USMX), would like to offer a consensus solution to the issue of intermodal equipment identification numbers, contained in Section 390.21, Part 390 of the proposed regulations issued under Docket No. FMCSA-2005-23315, on December 21, 2006.

SAFETEA-LU requires that intermodal equipment be matched to an intermodal equipment provider (IEP) through a unique identifying number. There is no specification in the law that a particular provider number be marked on a chassis. FMCSA has initially proposed that all intermodal chassis and trailing equipment be stenciled or otherwise marked with the equivalent of a USDOT number, as is done with other, self-propelled commercial motor vehicles. In comments filed with FMCSA, numerous industry stakeholders recommended an alternative identification system that would use existing identification numbers on chassis to match the equipment with the appropriate equipment provider. A description of this alternative system follows and is the basis for the industry consensus solution.

Continuation of the Current Alphanumeric Equipment Identification System

Intermodal chassis are currently marked with a unique, 10-digit alphanumeric identifier that is used for inventory tracking, terminal gate transactions, and maintenance and repair record keeping. It is important to note that every ocean carrier, railroad,

chassis lessor, equipment pool, or other entity that is likely to be identified as an intermodal equipment provider under the proposed rules, maintains a fleet file listing all trailing equipment under its ownership and/or control by the existing alphanumeric chassis ID number.

Capturing and marking the estimated 850,000 chassis in service in the United States with yet another ID number would in all likelihood, cause confusion as to the controlling party of the equipment vs. achieving the desired result of the proposed rules, which is to better identify the entity that has responsibility for a particular piece of equipment. From an operational perspective, it is a process that could take as much as two years to complete, with an estimated cost of tens of millions of dollars. Moreover, because of the unique and dynamic operating characteristics of intermodal chassis, such chassis marking will have to be a perpetual, ongoing process which will further increase the delays and costs incurred.

A contributing argument that supports the maintenance of the current chassis numbering system as the unique identifier is the fact that the alphanumeric ID number is already used universally by state and local enforcement personnel on citations and accident reports involving a chassis. Hence, continued use of the alphanumeric identifier would create no additional burden for law enforcement agencies.

Therefore, it is the view of the organizations submitting these supplemental comments, that the decentralized and free flowing nature of chassis operations, in which control of and responsibility for the equipment can change several times in a year, requires a 21st century approach to a 21st century logistics process. This group of industry representatives, that either own or control virtually all of the equipment that would be impacted by the proposed rules, recommends the establishment of an updated approach using a centralized and consolidated database to which intermodal equipment providers would submit their fleet files, utilizing the current alphanumeric equipment identifier.

Intermodal Equipment Registry Proposal

The intermodal industry is recommending the development and maintenance of a web-based equipment registry that would fulfill the requirements under Section 390.21 of the proposed rules. This registry would be accessible to federal, state and local enforcement authorities and would eliminate the need for the FMCSA to modify its Motor Carrier Management Information System (MCMIS) to accommodate the new requirements.

Equipment providers would submit to the database, the ID numbers already marked on those chassis for which they are responsible for the inspection, maintenance and repair. The database would be searchable by either intermodal equipment provider or by the chassis alphanumeric identifier and would be administered by an independent third party.

The establishment of a central repository for equipment identification and ownership/control information would also facilitate the transfer of chassis between

intermodal equipment providers. This is very important because of the regular migration of chassis between geographic locations. Rather than having to expend additional time and manpower (and expense) in capturing, and re-marking equipment, changes could be made to the database nearly instantaneously by way of a simple electronic transmission. A major advantage of this approach is that it will provide a more accurate, real-time reflection of who the intermodal equipment provider is for any given piece of equipment.

In sum, the development of an Intermodal Equipment Registry would be the lowest cost, most accurate, and up to date way to approach the unique operating characteristics of intermodal chassis and provide substantial benefits to both the public sector and industry participants.

Administration of the Intermodal Equipment Registry

In order to ensure the validity and integrity of a database that houses information in compliance with Federal regulations (some of which would be considered proprietary), the administrator of this effort should be a neutral, third party that understands both the public sectors' objectives in establishing rules governing the intermodal industry and the operational aspects of that industry. Therefore, the signatories to this consensus proposal suggest that the Intermodal Association of North America (IANA) should serve as the developer and administrator of the proposed Intermodal Equipment Registry.

This recommendation is based on the fact that IANA is a non-profit trade association, who's mission is to represent the combined interests of motor, ocean, and rail carriers, third party logistics companies, suppliers and related businesses. The Association's constituents are identical to those companies that will fall under the new regulations once issued.

From a practical and business perspective, IANA has extensive experience over three decades in administering the Uniform Intermodal Interchange and Facilities Access Agreement (UIIA). In fact, the NPRM recognizes that the UIIA is the standard industry contract whose "primary purpose is to establish the responsibilities and liabilities of both parties with respect to the interchange of the intermodal equipment."

The administration of the UIIA is facilitated by the maintenance of a database that collects information from thousands of motor carriers (6500+) and disseminates this information in customized templates, to dozens of intermodal equipment providers (58+) on a real time basis, 24/7. This successful and time-tested model would be the foundation for the new Intermodal Equipment Registry.

The intention of the parties filing these supplemental comments in support of an industry-administered equipment database would be to establish an oversight body comprising a cross section of motor carriers and intermodal equipment providers that would work with IANA to design, implement, and monitor the performance of a new Intermodal Equipment Registry. It is estimated that such a program could be fully operable within 12-15 months after the issuance of a final rule.

Conclusion

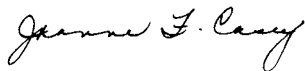
One of the specific objectives of the proposed rules, as issued by the FMCSA, is to register intermodal equipment providers and match all intermodal equipment in service in the United States with a unique identification number that ties to these IEPs.

In order to achieve these objectives in an efficient, timely and cost effective manner, representatives of the intermodal industry, that own and/or control approximately ninety-five (95) percent of chassis that would fall under these requirements, propose that the current alphanumeric equipment marking system be retained and designated in the final rules, as the method by which all intermodal equipment will be identified.

Furthermore, the industry proposes to establish an Intermodal Equipment Registry through IANA, to record and maintain IEPs and equipment identification numbers in an online database, that would be accessible to federal, state and local enforcement authorities and industry participants on a real time basis. This industry-based program would preclude the need for the FMCSA to incur the time, effort and cost of developing a similar tool to collect and disseminate comparable information.

This twofold approach will ensure that intermodal transportation – the 21st century logistics process – continues to function as one of the drivers of our economy's growth.

Respectfully submitted,



Joanne F. Casey
President and CEO
Intermodal Association of North America

Kurt J. Nagle
President and CEO
American Association of Port Authorities

Michael J. Rush
Associate General Counsel
Association of American Railroads

Steven R. Blust
President
Institute of International Container
Lessors

Charles T. Carroll, Jr.
Executive Director
The National Association of Waterfront
Employers

Jeffrey F. Lawrence
Executive Director
The Ocean Carrier Equipment
Management Association, Inc.

Ole A. Sweedlund
Executive Vice President and COO
United States Maritime Alliance, Ltd.