

ISSUE NUMBER

19-006-VEH

ISSUE NAME

OOSC, Part II, Item 3. Coupling Devices - f. Safety Devices, (1) Missing

STATUS

Closed

Vehicle Committee

NAME

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Carrier vehicle was placed OOS during a Level II roadside inspection, Report KSHP2550894. for violations that included 393.71(h)(10), No of Improper safety chains for tow bar; No safety chains of any kind, for a fifth wheel wrecker tow bar assembly. The question, is a safety chain required from the tow bar to the boom.

JUSTIFICATION OR NEED

The KCC conducted a civil penalty hearing at the request of the motor carrier and Director Hoeme and I met with the motor carrier following the hearing and reviewed the violation and have enough doubt concerning the violation that we wanted to forward it to the vehicle committee for review. During this time, the KCC Commissioners ruled they were not satisfied with the evidence presented and requested additional documentation. We sent photos to CVSA and Luke Loy, FMCSA. We have received conflicting information and felt it best discussed and decided by the vehicle committee with input from manufacturers and FMCSA.

REQUEST FOR ACTION

Determine if the semi towing device meets the criteria to be considered a tow bar as referenced in 393.71(h)(10). If so, is an additional safety chain required?

SUPPORTING DOCUMENTS/PHOTOS

- [t14.jpg](#)
- [t12.jpg](#)
- [t11.jpg](#)
- [t9.jpg](#)
- [t1.jpg](#)

ACTION TAKEN BY COMMITTEE

The requestor is looking for clarification on whether that is a towbar or not and whether safety chains are required. FMCSA made the comment that there was some agreement that it is not a classic towbar. If this does not meet the definition of a towbar, then safety chains are not required. Towbar is defined in 393.5 and states that it is "a strut

or column-like device temporarily attached between the rear of a towing vehicle and the front of the vehicle being towed". From a safety standpoint, it should have chains but by regulations if it doesn't meet the definition of a towbar then chains would not be required. Question of whether we can look at 393.71 if it doesn't meet the definition, and it was generally thought that it should not fall under 393.71.

During discussions, the general consensus of the committee is that it doesn't meet the definition of a towbar, and therefore chains are not required. No action taken and the item was closed.