



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

March 26, 2025

Sue Lawless
Executive Director and Chief Safety Officer
Federal Motor Carrier Safety Administration
1200 New Jersey Avenue, SE
6th Floor, West Building
Washington, DC 20590-9898

RE: Petition for Rulemaking – Amend Title 49 CFR § 393.87 for Overhanging Modifications to Vehicles

Dear Ms. Lawless,

Pursuant to Title 49 Code of Federal Regulations (CFR) § 389.31, the Commercial Vehicle Safety Alliance (CVSA) is petitioning the Federal Motor Carrier Safety Administration (FMCSA) to amend § 393.87, Warning flags on projecting loads, to require that commercial motor vehicles with added items or equipment that extend beyond four (4) feet from the rear of the vehicle must have the extremities of the added device or equipment marked with lamps and/or flags.

CVSA is a nonprofit association comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to achieve uniformity, compatibility and reciprocity of commercial motor vehicle inspections and enforcement by certified inspectors dedicated to driver and vehicle safety. Our mission is to improve commercial motor vehicle safety and uniformity throughout Canada, Mexico and the United States, by providing guidance and education to enforcement, industry and policy makers.

Justification

Enforcement has observed that modification of a straight truck where a body is mounted to a cab and chassis with a fixed winching system is becoming increasingly common. This modification generally has a flat deck cargo area with an open frame structure above it. This structure houses a winching system with a centralized beam running lengthwise and extending beyond the rear of the vehicle sometimes up to 12 feet from the rear lower impact guard area. This extension allows the winch to pick up an item from the deck and carry it off the rear to be lowered, similar to a flat deck with a rotating crane attached to it. These extensions are fixed, generally not retractable or foldable, and are a permanent part of the vehicle.

While these vehicles do generally have rear impact protection at the rear of the wheels (lighting area) to provide protection for passenger vehicles, the beam modification does not provide underride protection for buses and large trucks (see example images below).



Image 1.



Image 2.

The CVSA Vehicle Committee met in April of 2024 to discuss this issue and evaluate the safety risks posed by this vehicle modification. The group concluded that the upper beam seen in this type of vehicle modification meets all the conditions found in § 393.86, which would then result in the vehicle needing to be equipped with rear impact

guard protection. At that meeting, CVSA requested an interpretation from FMCSA to clarify what should be considered the rear bottom edge of the vehicle, in order to determine whether or not these vehicles are compliant. The Vehicle Committee met again in September and FMCSA representatives advised the committee that, under the current regulations, a commercial motor vehicle with this type of modification would not require rear impact guard protection, nor would it require lights or a flag, as the extension is not a load.

Given the obvious hazard this modification poses to large vehicles operating on the roadways, CVSA is petitioning FMCSA to modify § 393.87, Warning flags on projecting loads, to require that commercial motor vehicles with added items or equipment that extend beyond four (4) feet from the rear of the vehicle must have the extremities of the added device or equipment marked with lamps and/or flags. Requiring this extension to be marked with lamps and/or flags will improve visibility of the potential hazard for other drivers, improving safety for commercial motor vehicle operators.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our roadways. Commercial motor vehicle safety continues to be a challenge, and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency's consideration of this request.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,



Collin B. Mooney, MPA, CAE
Executive Director
Commercial Vehicle Safety Alliance