

NMMA Proposal to Update the U.S. DOT and State Specialized Boat Carrier Regulations

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Background

Many boat manufacturers are increasingly shipping their products under the conventional semi-trailer federal length regulations found at 23 C.F.R. § 658.13 (a), (b), & (c) rather than under the specialized equipment regulations found at 23 C.F.R. §§ 658.5 & 658.13(e). Boat builders have turned to conventional configurations for a variety of reasons, including:

- reduced incentive or need for the use of specialized over-the-cab equipment since many of today's larger boats cannot fit in this cargo area;
- desire to gain the efficiency from longer semi-trailer lengths (average 53 feet) allowed by states under the conventional regulations;
- back haul efficiency -- the desire to back haul a regular load on the return trip on standard equipment (many boat transporters use equipment that can be reconfigured); and
- outdated length limitations on specialized equipment force shippers to use less desirable cabover tractors.

This increasingly common industry practice has led to differing interpretations by state enforcement agencies of whether a particular transporter falls under the conventional semi-trailer length regulations or the boat transporter (specialized equipment) regulations under 23 C.F.R. § 658.5 and § 658.13 (c). Meanwhile, boat manufacturers who make smaller boats that can fit in the over-the-cab cargo area continue to ship in this manner, but are constrained by the outdated length limitations.

The Federal Highway Administration (FHWA) maintains that a head-rack for cargo transport must be located on the tractor in order for a load to be classified as a boat or automobile transporter (specialized equipment). FHWA has concluded that tractor carriages without cargo over the power unit fail to satisfy the "combination" element of the definitions for boat and auto transporter included in 23 C.F.R. § 658.5. The FHWA also maintains that the type of cargo carried does not define the vehicle. However, NMMA members running non-rack vehicles have been ticketed by state enforcement agencies for violating the total vehicle length limit normally attributable to over-the-cab specialized equipment. In addition, many boat transporters are unclear when provisions in the boat transporter regulations allowing for overhang may apply.

Modernization Needed

The current specialized transporter regulations were promulgated in the 1980s and reflect outdated industry practices and state laws. NMMA would like to work with AASHTO to devise a solution to this policy and enforcement conundrum. Therefore, NMMA is seeking AASHTO's support in NMMA's effort to update the regulations, clarify their intent, and to better reflect current industry practices and equipment. This proposal reflects AASHTO member comments on an earlier June 4, 2006 draft.

NMMA has developed the attached concept paper that would guide a rewrite of the specialized carrier regulations (23 C.F.R. §§ 658.5 & 658.13(e)). This rewrite will provide more clarity to shippers and enforcement personnel, better reflect current equipment, and provide boat transporters with the benefits that conventional shippers enjoy under current state and federal regulations. Updating these regulations to accommodate modern power units would provide significant savings to the 450 boat builders who are NMMA members and reduce the number of trucks many manufacturers would have to run to deliver their products, thus alleviating traffic congestion. For example, Missouri-based Tracker Marine (a company that commonly ships boats that would fit over the cab) estimates that the change would save it approximately \$565,000 per year in shipping costs. For non-cab-over shippers, this proposal would simplify the shipping process by clarifying which rules must be followed.

Most importantly, providing this much needed clarity to the boat transportation rules would improve highway safety because both shippers and law enforcement will have a clear set of common sense rules to apply to boat transportation.

Additional Information

Please contact Cindy Squires, NMMA Regulatory Counsel, (202-737-9766; csquires@nmma.org) or David Dickerson, NMMA Director of State Government Affairs, (202-737-9761; ddickerson@nmma.org) with any questions or comments on the proposal.

NMMA Proposal to Guide a Rewrite of the Boat Transporter Regulations

This proposal would create a basic envelope that would be allowed in any state on the national network. States could allow for longer vehicles and more overhang if they desired. NMMA would also work with each state to make complementary changes to the state regulations that would apply to non-national network roads to achieve nationwide consistency.

Truck-trailer boat transporter rules not affected -- NMMA's proposal does not intend to change in anyway the current rules for truck-trailer boat transporters.¹

- **Boat transporters are specialized equipment** as such they may²:
 1. **Carry boats or boat equipment** (i.e, boat trailer & engine) **over the power unit** (or be equipped to do so);
 - A boat transporter may have a **cab-front overhang** of three (3) feet *or less*.
 2. **Carry boats or boat equipment** (i.e., boat trailer & engine) **in the space between the power unit and the semi-trailer; and**
 3. **Have rear (semi-trailer) over hang** of four (4) feet *or less*.
- **Boat transporters may have the above allowances as long as:**
 1. For vehicles that are not equipped to carry a boat or boat equipment on the power unit -- the vehicle's **semi-trailer length³ does not exceed** –
 - In a **conventional** boat transporter combination, **53 feet (exclusive of overhangs) semi-trailer length⁴**; [measure the semi-trailer]
 - In a **stinger-steered** boat transporter combination, **53 feet (exclusive of overhangs) semi-trailer length⁵**. [measure the semi-trailer]
 2. For vehicles that are equipped to carry a boat or boat equipment on the power unit – the **total vehicle's length does not exceed** --
 - In a **conventional** boat transporter combination, **75 feet (vehicle length exclusive of front and rear overhang)**; [measure the whole vehicle]
 - **In a stinger-steered boat transporter, 75 feet (vehicle length, exclusive of front and rear overhang).** [measure the whole vehicle]

¹ Truck-Trailer Boat Transporter is defined in 23 C.F.R. § 658.6 as “A boat transporter combination consisting of a straight truck towing a trailer using typically a ball and socket connection. The trailer axle(s) is located substantially at the trailer center of gravity (rather than the rear of the trailer) but so as to maintain a downward force on the trailer tongue.”

² A state (on the national network) may not under this proposal impose a limitation less than those identified. Note: These three items are now allowed under the current boat transporter regulations.

³ Note: This is semi-trailer and not vehicle length and would be exclusive of any overhang or of any cargo carried between the semi-trailer and the power unit.

⁴ Note: This length is the most common limitation allowed by the states today and therefore reflects current practice.

⁵ Note: This length is the most common limitation allowed by the states today and therefore reflects current practice.

- **Back Haul** -- Many boat transporters haul general freight on their return trips (equipment can be reconfigured); these provisions would not apply to the transporter when hauling non-boat freight. In that situation, the general freight length and overhang rules would apply.
- **These are federal minimum lengths** – These provisions are intended to be federal minimum lengths that the states must allow boat transporters to use. However, if a state allows for a longer semi-trailer length then that increased limit could apply.