

Assembly Joint Resolution No. 12—Committee on
Natural Resources, Agriculture, and Mining

FILE NUMBER.....

ASSEMBLY JOINT RESOLUTION—Urging the United States
Department of Transportation to take action regarding federal
cargo securement regulations.

WHEREAS, The Federal Motor Carrier Safety Administration published new cargo securement regulations on September 27, 2002, with the intent of preventing cargo from shifting on or within or falling from commercial motor vehicles, and, as mandated, Nevada's Department of Transportation has adopted the new standards; and

WHEREAS, The federal regulations adopted address all cargo loads in a uniform manner, which may be appropriate when transporting most loads but is problematic when transporting bales of hay as the regulations ignore the unique requirements for constraining loads of bales of hay that are presented when transporting such cargo; and

WHEREAS, The new federal regulations require the use of tiedowns and v-boards to secure the side of a load, a more costly, time-consuming and dangerous method when used to transport bales of hay; and

WHEREAS, The federal cargo securement regulations allow certain optional securement methods such as longitudinal ropes and cross-stacking of bales; and

WHEREAS, Transporting bales of hay without the use of longitudinal ropes and cross-stacking can create hazardous conditions for the driver and the public, including the potential for bales of hay to shift or to fall or blow off the vehicle; and

WHEREAS, Load and transportation techniques, including the use of longitudinal ropes and cross-stacking of bales, have been used safely in Nevada and other states for decades; and

WHEREAS, There is also a need for consistency in the interstate transport of hay, since Nevada has adopted the federal regulations but California has not, thus making the transportation of hay between Nevada and California especially problematic; and

WHEREAS, The new cargo securement regulations are subject to varying interpretations by law enforcement officers in different jurisdictions, resulting in different methods of securement being enforced in different areas of this State and in other states; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 73rd Session of the Nevada Legislature hereby urge the United States Department of Transportation to issue an interpretation of this regulation which,

when applied to the transportation of bales of hay, allows the traditional and safer use of longitudinal tiedowns and v-boards at the front and back of a load, rather than the newly required use of v-boards on the sides with tiedowns every 10 feet; and be it further

RESOLVED, That the Legislature requests that, if such an interpretation of this regulation cannot be rendered, the United States Department of Transportation remove the transport of bales of hay from the general cargo category and create a regulation for the specific containment and securement of baled hay that takes into consideration the unique requirements for constraining loads of baled hay; and be it further

RESOLVED, That the United States Department of Transportation act in consultation with industry experts and local agencies, and consider the safety advantages of using traditional longitudinal straps and cross-stacking standards when reviewing these regulations for amendment; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of Transportation of the United States Department of Transportation, the Administrator of the Federal Motor Carrier Safety Administration and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.