January 13, 2003

U.S. Department of Transportation
Dockets Management Facility
Room PL-401
400 Seventh Street, SW
Washington, DC  20590

Re: Docket No. FMCSA-98-3656

To Whom It May Concern:

The U.S. members of the American Association of Port Authorities (AAPA) support the Intermodal Association of North America’s (IANA) comments to the Federal Motor Carrier Administration (FMCSA) regarding the feasibility of conducting a negotiated rulemaking concerning maintenance of intermodal container chassis and trailers. IANA has stated that “as a matter of principle, that where self-initiated and directed consensus can be achieved, private-sector solutions offer the preferred means of resolving conflicts among business partners.” Before moving forward with a negotiated rulemaking, we believe that private industry must be given an opportunity to reach a solution.

IANA has put forth the concept of “Shared Responsibility,” whereby private-sector stakeholders (including motor carriers, steamship lines and railroads) have been working together to develop a solution on the best way to handle the issue of identifying appropriate equipment repair and maintenance responsibilities among intermodal partners. It looks as if these industry partners will reach an agreement with respect to functional responsibilities within the next several months.

We appreciate that FMCSA is interested in resolving the issue of equipment roadability in a cooperative problem solving manner. However, we encourage FMCSA to allow the private sector to implement its solution and give it a reasonable opportunity to succeed before considering a Federal negotiated rulemaking.

Thank you for your consideration of our views.

Sincerely,

Kurt Nagle
KJN/mbl