



U.S. Department
of Transportation

**Federal Highway
Administration**

Office of the Administrator

400 Seventh St., S.W.
Washington, D.C. 20590

April 12, 1999

Refer to: HMCE-10

Mr. James E. Hall
Chairman, National Transportation Safety Board
490 L'Enfant Plaza, East
Washington, D.C. 20594

Dear Mr. Chairman:

The purpose of this letter is to request closure of safety recommendation H-92-7 to the Federal Highway Administration (FHWA) which states:

Evaluate, with the assistance of the Research and Special Programs Administration (RSPA), designs of rollover protection devices installed on all cargo tanks manufactured by the Acro Trailer Company and by New Progress, Incorporated, to determine if the cargo tanks comply with existing Department of Transportation (DOT) standards; and then require that cargo tanks failing to comply with existing DOT standards be removed from hazardous materials service or be modified to comply with the standards.

Our review of rollover protection devices installed on cargo tanks manufactured by Acro Trailer Company, uncovered non-compliance in cargo tanks built to the design involved in the Albuquerque, New Mexico, crash. The FHWA has taken action to ensure tanks built to that design have been modified to meet the regulations or verified as no longer being operated, or were the subject of a February 17 Federal Register notice by FHWA informing the public that tanks of that design may not be used in hazardous materials service until modified to meet the regulations. In addition, review of other Acro Trailer Company designs is underway and FHWA will take appropriate actions to correct any defects discovered. You will find details and documentation of our review, including the Federal Register notice in the enclosed Acro Trailer Company Report.

The adequacy of rollover protection devices installed on cargo tanks manufactured by New Progress, Incorporated, were verified by physical testing of the overturn protection devices. The testing demonstrated that the devices are two times stronger than the regulations require. The results of this testing is applicable to all tanks built by New Progress, Incorporated, due to similarities in the design of rollover protection devices installed on all New Progress, Incorporated, tanks. A contractor's report verifying the adequacy of the testing method, a video of the test, and other details and documentation of our review of New Progress, Incorporated, can be found in the enclosed New Progress, Incorporated Report.



I understand and share the Safety Board's concerns about the length of time it has taken FHWA to satisfy this recommendation. After receiving the Board's 1992 report, FHWA had to develop the capabilities to evaluate the design and construction of cargo tank motor vehicles. In the past 7 years, we have developed a program which conducts cargo tank design analysis as a regular part of business. Although during the early stages of developing this capability there were some preliminary assessments made about the compliance of rollover protection devices by the two manufacturers referenced in your recommendation, it was important in reviewing design of cargo tank motor vehicles for FHWA to be absolutely certain of our findings before taking action against a manufacturer of cargo tank motor vehicles. This is the reason for another full scale look at the compliance of these manufacturers in 1997. I hope you will agree with me that at this time, we have satisfied recommend H-92-7 and will close it showing "acceptable action" by FHWA.

We thank you for your consideration of our request. Please refer any technical questions about the enclosed reports to Mr. William Quade of my staff at (202)366-0476.

Sincerely yours,



Kenneth R. Wykle
Administrator

Enclosures