

New FMCSA Surge Brake Rule

The Federal Motor Carrier Safety Administration (FMCSA) last week issued its long-awaited rule clarifying the permissibility of surge brakes on small trailers.

For the last several years, equipment distributors using trailers with surge brakes have been subject to inconsistent enforcement by state and local law enforcement officials. In some cases, state police have waited outside distributor facilities and ticketed customers leaving with surge brake trailers.

The rule, which was published in the Federal Register on March 6, amends FMCSA regulations to allow the use of automatic hydraulic inertia brake systems (surge brakes) on trailers when the ratios of gross vehicle weight ratings (GVWR) for the towing-vehicle and trailer are within certain limits.

FMCSA's action comes in direct response to a petition for rulemaking submitted in 2002 by the Surge Brake Coalition, which was managed by the American Rental Association. The Associated Equipment Distributors played a leadership role in the coalition and helped elevate the surge brake issue on Capitol Hill. In response to considerable foot-dragging by FMCSA, former Rep. Anne Northup (R-KY) included language in an appropriations bill that directed the administration to act one way or another on the Coalition's petition. Ultimately, FMCSA saw the merits of the Coalition's arguments, granted the petition, and moved ahead with the rulemaking process.

Under the new rule, surge brakes are allowed on:

- Any trailer with a gross vehicle weight rating (GVWR) of 12,000 pounds or less, when its GVWR does not exceed 1.75 times the GVWR of the towing vehicle; and
- Any trailer with a GVWR greater than 12,000 pounds, but less than 20,001 pounds, when its GVWR does not exceed 1.25 times the GVWR of the towing vehicle.