

OSHA Directives

STD 1-11.5 - Powered Industrial Trucks, Chocks, and Blocks

- **Record Type:** Instruction
 - **Directive Number:** STD 1-11.5
 - **Standard Number:** 1910.178(k)(1); 1910.178(m)(7)
 - **Subject:** Powered Industrial Trucks, Chocks, and Blocks
 - **Information Date:** 10/30/1978
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OSHA INSTRUCTION STD 1-11.5

OCTOBER 30, 1978

OSHA PROGRAM DIRECTIVE #100-85

TO: REGIONAL ADMINISTRATORS/OSHA

THRU: DONALD E. MACKENZIE Field Coordinator

Subject: Powered Industrial Trucks, Chocks, and Blocks

Reference: 1. Trucks and Railroad Cars 29 CFR 1910.178(k)(1) 2. Truck Operations 29 CFR 1910.178(m)(7)

1. Purpose

The purpose of this directive is to insure judicious enforcement of 29 CFR 1910.178(k)(1) and 1910.178(m)(7).

2. Documentation Affected

This directive supersedes Field Information Memorandum #75-25 dated March 17, 1975.

3. Background

a. The Occupational Safety and Health Review Commission rendered a decision that the Department of Labor is preempted in the enforcement of 29 CFR 1910.178(k)(1) by the Department of Transportation (DOT) regulation 49 CFR 392.20, because the latter covers essentially the same working conditions. The Commission held that the Occupational Safety and Health Administration (OSHA) was preempted because 49 CFR 392.20 represented a sufficient

"exercise" of DOT regulatory powers under Section 4(b)(1) of the Occupational Safety and Health Administration.

b. This decision also affects the enforcement of 29 CFR 1910.178 (m)(7). The first part of that standard, "Brake shall be set and wheel blocks shall be in place to prevent movement of trucks, trailers or railroad cars while loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor." is similar in scope to 29 CFR 1910.178(k)(1).

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Accordingly, enforcement of that portion of the standard as it applies to trucks and trailers is preempted by 49 CFR 392.20. Moreover the latter part of the standard requiring employers to check the flooring of trucks and trailers for breaks and weaknesses applies to the same working conditions as those covered by 49 CFR 393.94. Therefore, that part of the standard should not be enforced as it applies to trucks and trailers.

c. DOT safety authority under the Motor Carrier Act extends only to regulations of motor carriers engaged in interstate commerce. Under DOT regulation 49 CFR 392.20 and 49 CFR 393.84, DOT jurisdiction does not extend to vehicles "used wholly within a municipality or the commercial zone thereof," as defined by the Interstate Commerce Commission (ICC), unless they are transporting a single hazardous item weighing over 2,500 pounds or bulk hazardous items weighing over 5,000 pounds." (See 49 CFR 309.16, and 392.1(C).)

d. See also 39 CFR 1048 for ICC definition of commercial zones. In short, DOT jurisdiction extends to all vehicles which are not used exclusively in intracity operations or which are used in intracity operations to carry a single hazardous item weighing over 2,500 pounds or bulk hazardous items weighing over 5,000 pounds.

4. Action

Accordingly, in light of DOT exercise of authority, we will cite or enforce only under 1910.178 (m) (7) and 1910.178 (k)(1) in consonance with the preceding guidelines.

5. Effective Date

This directive is effective immediately and will remain in effect until canceled or superseded.

Richard P. Wilson Deputy Director, Federal Compliance and State Program

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