

Hamre, John G.

From: Cooper Anderson <coopera@prairiescale.com>
Sent: Thursday, October 8, 2020 4:40 PM
To: -Info-Public Service Commission
Cc: Bauske, Shelly A.; Crockford, Konrad S.
Subject: Re: Public Service Commission Weights and Measures Rulemaking Case No. WM-20-369
Attachments: ND Rules Follow Up.pdf

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Dear Public Service Commission,

Thank you for the opportunity to provide input on the proposed rule changes that have been discussed. Please see the attached letter in regards to our concerns and recommendations to the proposed changes.

Please feel free to reach out to us anytime on any questions that may arise.

Thank you,

Cooper Anderson

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Oct. 8th, 2020

Public Service Commission
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Bismarck, ND
Office: 701-328-2400
Email: ndpsc@nd.gov

Re: Public Service Commission Weights and Measures Rulemaking Case No. WM-20-369

Thank you for the opportunity to provide written comments regarding the proposed adoption and revisions to the North Dakota Administrative Code Case No. WM-20-369 – Article 69-10 – Testing and Safety. We appreciate your willingness to listen to our concerns and recommendations regarding these proposed changes.

69-10-01-03. Certifying and Sealing.

2. b.

The proposed rule change requiring the sealing device to contain the year in which the security seal was applied would not be recommended by our company. If the seal is to contain the year in which the security seal was applied, registered service companies would be required to purchase new crimping devices annually for all registered service persons. This can become very expensive, cumbersome and may require registered service persons to have different crimping devices for different state agencies.

69-10-02-05.1 Fixed Pitless Scales – Foundation

We would not recommend that the commission allow floating slab foundations as an allowable foundation for above ground scales. We would recommend that the commission continue with the current process of applying for a variance as this process requires state oversight to ensure the foundation is installed correctly. Floating slab foundations have been used by our company only when the pier type foundation cannot be completed due to site constraints: high water table, underground obstructions, etc. In the previous five to ten years, this has only occurred a handful of times. The floating slab foundations can be constructed properly but can also easily be installed incorrectly. Many manufacturers and installers will design a floating slab foundation with very minimal rebar, very thin concrete and without taking the site-specific conditions into consideration. If the floating slab foundation is an allowable foundation design for fixed pitless truck scales without additional commission oversight, there will be several future issues with fixed pitless scales and will be a detriment to the general public who are using these devices.

If floating slab scales are to be allowed, which would not be of our recommendation, we would propose for the rules to include the writing of: “the concrete washout slabs shall be poured independently of the load bearing piers”. This statement and foundation design is similar to neighboring states. The reason for adding this verbiage is to allow for the clear distinguishment between the pier and floating slab foundations for fixed pitless scales. We have been involved with neighboring state agencies where the distinguishment between pier and floating slab foundations have come in question. These questions were in regards to trying to determine the difference of a pier and floating slab foundation when the entire foundation is poured as one. If this question is left open in the new rules, it leaves the opportunity for many foundations to be installed incorrectly. The questions in the neighboring states were not in regards to any of our work but rather other registered service companies that were installing incorrect foundations.

1.a.

The proposed rule change of reducing the amount of clearance underneath a fixed pitless scale from 12” to 10” will have a negative impact to many future owners and the users of these devices. 10” of clearance is not adequate to allow for proper cleaning, maintenance and operation of a fixed pitless scale. Dirt, mud, snow and ice buildup is the number one issue with the accuracy of the fixed pitless scales. If the clearance amount is reduced this will create even more problems with material buildup underneath the scale. Depending on the amount of snow we receive in any given winter, it can be very difficult to find a scale that is meeting the accuracy requirements during the winter months without the proper cleaning. It would be of our recommendation to not reduce the amount of clearance but to increase this to from 12” to 18”. 18” of clearance allows for adequate clearance for device owners, registered service companies and maintenance personnel to properly clean these scales to allow for accurate weighing.

1.d.

We would recommend adding the statement of: “the floating slab foundation shall consist of a minimum of (2) mats of #5 rebar 12” on center.” This is similar to neighboring states and should be added to provide a minimum standard of the amount of rebar in the foundation. Some scale manufacturers will design foundation plans based on whatever is required to sell their product. We have seen some manufacturers foundation plans with very little rebar and most do not take into consideration any site-specific requirements. Adding this verbiage to the proposed rule changes would set a minimum standard to ensure foundations are properly installed.

69-10-02-12. Observation windows, video cameras, or photoelectric eyes.

3.

It is of our recommendation that the use of photoelectric eyes not be the only source of verifying the placement of vehicles on the scale. Photoelectric eyes are often installed and then shut off as they are difficult to keep operational when around dusty or dirty environments (most truck scale applications). The photoelectric eyes are also commonly turned off when they fail or when they are damaged by a truck or snow removal equipment. We would strongly recommend that this not be allowed as the only source of verifying that vehicles are placed properly on the scale.

69-10-03-03. Adequate standards.

Extending the certification schedule of standards used to certify any commercial weighing and measuring device to: “not to exceed two years” is not recommended by our company. Extending this from one year to two years allows a greater opportunity of standards to be out of tolerance which could have a vast negative impact on many devices in the state. We try to maintain our standards by common cleaning, proper handling and hauling inside of contained/weather protected trailers. Even when taking these precautions our weights can become dirty, show signs of wear and are in need of some adjustment by a certified lab when on a one year schedule. We do see other registered service companies haul their standards on open body trailers where the standards are open to the elements (rain, snow, ice, etc.). We cannot say for certain but would assume that these standards require much more adjustment than our weights. Extending the certification schedule from one to two years would not be recommended due to the negative impact that would be felt by the public of inaccurate standards being used to certify commercial devices.

We appreciate the opportunity to provide our concerns and recommendations regarding these proposed changes. We hope the information provided in this letter is of value to you and your decision-making process. If there are any questions that may arise or if additional input is needed, please feel free to reach out to us.

Thank you,



Cooper Anderson

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