John Belcik
ICC 1215 Committee
International Code Council
200 Massachusetts Ave NW
Washington, DC 20001
May 28, 2026

Re: ICC 1215 Transportation, ICC Policy #49 Motor Vehicle Preemption, Consistency With ICC Codes And Standards

Dear Mr. Belcik,

Thank you for your prior response regarding my concerns related to the transportation provisions contained within the ICC 1215 standard. I respectfully ask that the ICC board take another look at the various points in this preemption inquiry.

After further review of ICC/MBI 1200, ICC 1215, FMCSA regulations, and ICC's own published policies regarding referenced standards, enforceability, and code correlation, I remain deeply concerned that ICC 1215 is not cohesive with either existing ICC transportation language or the federal transportation framework governing transported chassis-based structures.

ICC's own Council Policy states:

"The provisions of all Codes shall be consistent with one another so that conflicts between the Codes do not occur."

ICC further states that referenced standards are enforceable extensions of the code and that consistency and correlation between ICC codes and standards are fundamental organizational principles.

The transportation language contained within ICC/MBI 1200 and ICC 1215, however, is not cohesive.

CHAPTER 7

TRANSPORTATION AND STORAGE

SECTION 701
GENERAL

701.1 General. Transportation of units that have been manu factured or constructed off-site shall comply with the provi sions of this chapter. With each set of units that is to be installed in the same manner, the manufacturer shall provide instructions that include transport, lifting and placement pro cedures where applicable.

SECTION 702
TRANSPORTATION PERMITTING

702.1 Transportation permitting. Transportation of mod ules, panelized systems or modular components that have been manufactured or constructed off-site shall be in accor dance with the applicable transportation permitting require ments for each jurisdiction that the shipment will enter.

702.2 Transportation route. The route used to transport modules, panelized systems or modular components that have been manufactured or constructed off-site shall be of a width and height to accommodate the load and the transportation vehicle.

702.3 Transportation weight. The gross weight of the mod ules, panelized systems or modular components to be trans ported and the transportation vehicle shall not exceed the permitted requirements for each jurisdiction that the shipment will enter.

SECTION 703
METHODS OF TRANSPORT

703.1 Methods of transport. Modules, panelized systems or modular components that have been manufactured or con structed off-site shall be transported using one or more of the following methods:

1. An integrated chassis with axels and wheels suitable to support the weight and size of the object being trans ported.
2. A separate trailer suitable to support the weight and size of the object being transported.
3. Other transportation systems that are accepted by the applicable jurisdictions and are suitable to support the weight and size of the object being transported.

SECTION 704
LOADING AND UNLOADING

704.1 Loading and unloading. The manufacturer shall cre ate with the erector a schedule that limits the need for storage and a loading and unloading manifest that protects the mod ules from stress and mechanical damage. The logistics for unloading the staging processes and the type of crane required for lifting the elements or modules are to be detailed by the erecting contractor.

SECTION 705
ON-SITE STORAGE OF MODULES

705.1 On-site storage. To minimize the number of modules to be stored, the erection contractor shall designate a staging area on-site.

705.2 Stacking. The erection contractor shall utilize stacking details provided by the manufacturer to counter additional vertical or horizontal loading on the modules while stacked in temporary storage. These details shall limit the maximum stacking of modules.

705.3 Weather and mechanical protection. The erection contractor shall take all steps to protect stacked and stored modules from weather events as well as mechanical damage.

705.4 Staging. The length of time any modules are staged shall be scheduled to minimize the length of time they are on site.

ICC/MBI 1200 openly acknowledged transportation systems and traditional transportation terminology, including:

- transportation “vehicles”
- transportation permitting
- transportation routes
- gross transportation weight
- integrated chassis systems
- and “separate trailers”

For example:

Section 702.2 Transportation Route references transportation “vehicles.”

Section 702.3 Transportation Weight acknowledges the gross weight of both the transported structure and the transportation “vehicle.”

Section 703.1 expressly recognizes:
“An integrated chassis with axles and wheels…”

Section 703.1(2) expressly recognizes:
“A separate trailer suitable to support the weight and size of the object being transported.”

By contrast, ICC 1215 replaces the recognized transportation term “separate trailer” with the newly created term:
“independent carrier system.”

ICC 1215 then creates an exception excluding that “independent carrier system” from the transportation requirements of the chapter itself:

“Exception: A chassis used as an independent carrier system to transport the SRU where no portion of that system is a permanent component of the building.”

This exception is highly significant because the standard:
• acknowledges highway movement,
• acknowledges transportation loading,
• acknowledges chassis systems,
• acknowledges DOT transportation considerations,
• acknowledges in-transit structural conditions,

while simultaneously exempting the transportation carrier system itself from the transportation requirements.

The ICC Board’s prior response further stated that the Transportation section is “silent” regarding transportation requirements for temporary carrier systems and therefore does not impose requirements that could be preempted by federal law.

Respectfully, this silence creates substantial enforceability and correlation concerns under ICC’s own published standards governance guidance.

The ICC Referenced Standards Guide specifically warns against:
“Unenforceable commentary intermingled with mandatory provisions.”

The Guide explains that where provisions affect compliance, they cannot remain vague, advisory, undefined, or silent. ICC states that if compliance is intended to be judged based upon such provisions, they:
“must be rewritten into positive, mandatory statements with additional tolerances, ranges or other such provisions that will provide explicit criteria upon which compliance and noncompliance can be readily determined.”

CHAPTER 7
TRANSPORTATION

SECTION 701
GENERAL

701.1 General. Units with an integral chassis which have been manufactured or constructed off-site shall comply with the provisions of this chapter. An SRU constructed off-site and its chassis shall be built to withstand the effects of highway movement such that the SRU is transported and installed as a habitable dwelling.

Exception: A chassis used as an independent carrier system to transport the SRU where no portion of that system is a permanent component of the building.

701.2 Chassis. SRUs are permitted to be built with or without an integral chassis.

SECTION 702
CHASSIS

702.1 Chassis. All chassis shall be built in compliance with DOT requirements and have verification by documentation indicating the chassis complies with DOT requirements for the loads and weights shown on the data plate.

SECTION 703
STRUCTURAL SUPPORT DURING TRANSPORTATION

703.1 Connection to an integral chassis. Connection of the SRU to the chassis for in-transit conditions shall be in accordance with acceptable engineering practice.

This concern directly applies to ICC 1215.

ICC 1215 contains mandatory transportation-related provisions and structural assumptions involving:

- transportation loading,
- transportation support,
- chassis systems,
- highway movement,
- transportation exceptions,
- and transportation-dependent structural design,

while remaining intentionally silent regarding:

- the governing transportation compliance framework,
- transportation system criteria,
- federal transportation implications,
- and the motor vehicle regulatory treatment of those transportation systems.

The issue therefore is not merely whether ICC 1215 expressly references FMVSS requirements.

The issue is whether ICC 1215 intermingles mandatory transportation-related provisions with intentional silence regarding the governing transportation regulatory framework, resulting in precisely the type of unenforceable ambiguity ICC's own Referenced Standards Guide warns against.

Additionally, federal transportation regulations already recognize wheeled dwelling and commercial structures operating within a federal transportation framework.

49 CFR § 393.17(c) expressly recognizes:
"mobile structure trailers"

defined as:
"a trailer that has a roof and walls, is at least 10 feet wide, and can be used off road for dwelling or commercial purposes."

FMCSA guidance under § 393.25 further states:

"The movement of mobile homes/house trailers is considered to be a driveaway-towaway operation."

This federal guidance is significant because it recognizes:
• transported wheeled dwelling structures,
• operating on public highways,
• within a federal transportation regulatory framework.

The guidance further recognizes that lighting devices need not be permanently mounted because the movement is considered a driveaway-towaway operation, explaining the widespread use of temporary transport lighting harness systems supplied by transport operators.

Accordingly, the issue cannot be resolved simply through silence regarding transportation requirements while simultaneously regulating transportation-dependent structural systems.

Respectfully submitted,

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