

**INTEROFFICE MEMORANDUM**

**Department of Insurance and Finance**

February 25, 1992

**TO:** Charlie Crawford

**FROM:** Marilyn Schuster

**SUBJECT:** Rops For the Bomag Road Surface Recycler

OAR 437-03-1926.1000(b) requires ROPS on all vehicles listed in 1926-1000(a). Among those listed are scrapers, front end loaders, dozers, crawlers and motor graders. The Koehring Bomag MPH-100 does not fit any of those categories.

This leaves the only possible category as, "agricultural and industrial tractors." There is significance to the fact that these two types of tractors are tied together in one phrase. That significance can be found in the definition of "tractor" contained in the Random House College Dictionary:

"1. a powerful motor-driven vehicle with large, heavy treads, used for pulling farm machinery, other vehicles, etc. 2. a short truck with a body containing only a cab for the driver, used for pulling a trailer or semi-trailer to form a tractor-trailer."

Both definitions indicate an apparatus designed with the capability of pulling another vehicle or object.

There is further assistance in the "Construction Dictionary" where tractor is defined as:

"a motor vehicle on tracks or wheels used for towing or operating vehicles or equipment; equipment to pull or push loads."

Again the common denominator for the definition of tractor is the ability to pull another apparatus.

The Bomag MPH-100 is not designed with the intent that it be used to pull anything and thus does not fit the definitions of tractor and further does not fit the definition of industrial type tractor as used in OSHA codes.

In conclusion, BOPS is not required on this piece of equipment.

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