



**Cargo Securement Harmonization
Public Forum
2017 CVSA Workshop
April 23–27, 2017 – Atlanta, Georgia
Revised Date: April 29, 2017**

Chair: Fred Kovall
Vice Chair: Vacant
Acting Secretary: Kerri Wirachowsky
CVSA Liaison: Will Schaefer

Index

Closed Issues/Request for Action Items (Update Only)	
6. 15-024-VEH: OOSC, Part II, Item 2. Cargo Securement - Twist Locks on Intermodal Containers	C
7. 16-007-VEH: OOSC, Part II, Item 2. Include OOS Condition for General Cargo - 393.100(c)	C
8. 12-033-VEH: NSC Standard 10 - Section 89(2) Accessory Equipment	C
Open Issues/Request for Action Items	
9. 11-030-VEH: Securing Metal Coils in Sided Vehicles	O
10. 11-043-VEH: Marking and Rating of Tiedowns – Working Load Limit (WLL) on Hooks	O
11. 16-020-VEH: Amend 393.118(d)(3) of the FMCSR’s requiring belly straps on loads over 2 tiers high	O
12. 14-026-VEH: OOSC, Interpretation #3 - Securing Auxiliary Equipment	C
13. CVSA Operational Policy 14 – Discussion – Commodity Specific Cargo Securement	C
14. 16-023-VEH: Guidance/Interpretation of “Unintentionally unfastened” in CVSA Inspection Bulletin 2011-03	C
15. 17-022-VEH: Crushed Cars	C
New Business (Not on Agenda)	
16. Recent submission: Tow truck platform vehicle securement	C
17. Recent submission: Large HVAC on flatbed trailer	C

(Items are listed in the order that they appear on the Agenda. Refer to the Agenda for attachments and other supporting information.)

1. Opening Remarks & Self Introductions

Fred Kovall opened the meeting at 1:04 pm on April 23, 2017 and attendees introduced themselves. There were 40 attendees present. Fred Kovall indicated that Rick Oakes had retired from the Utah State Patrol so the Vice-Chair position was vacant. Anyone interested in the position was to contact the chairman or CVSA staff.

2. Adoption of Agenda

The agenda was adopted with no new additions.

3. Review/Approval of Meeting Minutes from December 13, 2016 in Montreal, Quebec

Draft meeting minutes were included for review.

Mike Huntley suggested one edit to the minutes on page 4. It stated 8 feet in one of the spots in the review of the building products issue and it should be 6 feet. It was suggested that it was only a typo. The amendment was made to the minutes and the minutes were adopted as written.



**Cargo Securement Harmonization
Public Forum
2017 CVSA Workshop
April 23–27, 2017 – Atlanta, Georgia
Revised Date: April 29, 2017**

4. Review of Committee Structure, Terms of Reference & Business Processes

Fred Kovall reviewed the Terms and Reference of this Form. The forum does not have any regulatory or enforcement authority but instead either requests consideration by U.S. and/or Canadian regulators or provides feedback to CVSA’s Vehicle Committee, which in turn may effect changes in CVSA policies accordingly. The forum works to facilitate uniform policies, regulations and enforcement in cargo securement in North America. The forum is open to all interested parties.

5. Regulators Group Status Report

Mike Huntley indicated that the regulatory process has changed in relation to the new administration. All new regulatory actions are on hold. The regulators from Canada are not at this meeting and FMCSA and the Canadian Regulators have not met to discuss issues since Montreal. He indicated that he would report on each issue and update the committee as each issue is addressed.

Closed Issue/Request for Action Items (Updates Only)

6. 15-024-VEH: OOSC, Part II, Item 2. Cargo Securement - Twist Locks on Intermodal Containers

Chairman Kovall indicated that issues that had been closed in Montreal were going to be reviewed to share with those that were not in attendance. These issues will be presented to the Vehicle Committee during the meeting on Tuesday. Kovall reviewed the issue regarding the 90 degree turn for the twist locks for container chassis. There are some that are manufactured that do not turn a complete 90 degrees. It was reported that it is not required to be at the 90-degree angle. If the twist lock is engaged and is itself been secured in a manner that prevents it from becoming unfastened while the vehicle is on a highway, the vehicle is in compliance.

IRFA STATUS: CLOSED

7. 16-007-VEH: OOSC, Part II, Item 2. Include OOS Condition for General Cargo - 393.100(c)

This issue was discussed in Montreal and it was explained that there is a guidance paper that has been developed in Alberta between the enforcement agency and the Alberta Motor Transport Association, by way of example, in which pairs of unitized pallets were loaded in a van trailer alternately to one side and then the other, with 18 inch gaps present.

Without further data or studies, there was no further guidance that can be given, so the issue will be closed unless and until additional information is received.

IRFA Status: CLOSED



Cargo Securement Harmonization
Public Forum
2017 CVSA Workshop
April 23–27, 2017 – Atlanta, Georgia
Revised Date: April 29, 2017

Open Issues/Request for Action Items

8. 12-033-VEH: NSC Standard 10 - Section 89(2) Accessory Equipment

This question and discussion in previous forum meetings clarifies whether or not accessory equipment requires a tiedown in Standard 10. The Regulators Group assessed that this is not necessary and that the intent of the model regulation for the accessory equipment to be “lowered and secured” can be achieved by the hydraulics; therefore, the accessory equipment does not need a tiedown over it to be secured. Regulators from both Canada and the US concurred with this assessment. Regulators sought information from manufacturers indicating that accessory equipment—shovels, dozer blades, and similar—lowered and secured by hydraulics is adequately secured.

The regulators group has determined that accessory equipment that is lowered to the deck by only hydraulics should be considered as “lowered and secured”. Therefore, there is not a requirement for additional securement on the equipment.

It was suggested that the Vehicle Committee could be requested to add the guidance into Operational 15 regarding this issue in the short term. It was also stated that putting it into the Ops 15 in the short term could be problematic for enforcement. Changing the regulation would require a petition from the Vehicle Committee to FMCSA to relax the requirement for additional tiedowns on the accessory equipment in this situation.

IRFA Status: OPEN

9. 11-030-VEH: Securing Metal Coils in Sided Vehicles

Mike Huntley updated the forum on this issue. This issue was regarding 393.120(e) and NSC 10(58) which articulates the requirements for securing metal coils in a sided vehicle without anchor points. It could be interpreted to exclude the use of sided vehicles with anchor points, which does not seem to be its intent. This section should be interpreted to mean sided vehicles without anchor points or sided vehicles with anchor points, but the anchor points are not being used to secure the cargo.

Mike Huntley indicated that this issue has been brought up several years ago. The slinky coils were inside a van trailer with anchor points. The anchor points were not being used and it was secured by blocking and bracing inside the van instead. The vehicle was placed OOS and the coils were transferred into a different van trailer without anchor points and was allowed to go. The section is required to be changed to allow for a metal coil to be secured in a van trailer with or without anchor points by blocking and bracing. The regulators are intending to update the model regulation to allow this.

IRFA Status: OPEN



Cargo Securement Harmonization
Public Forum
2017 CVSA Workshop
April 23–27, 2017 – Atlanta, Georgia
Revised Date: April 29, 2017

10. 11-043-VEH: Marking and Rating of Tiedowns – Working Load Limit (WLL) on Hooks

Fred reviewed the issue that removable hooks on tiedowns should have WLL markings. This needs to be added to the model regulation and has not been done at this point.

Mike Huntley reported that the regulators have discussed that they will be changing the model regulation to include the tables for removable hooks. It was mentioned by the regulators that they will look at the NACM document first, and it was discussed to include the reference to the tables in the model reg. They will update the model regulation and then adopt it into the regulation and the standard. There are no timelines for this change to occur as impacts for businesses and retailers should be considered. It was discussed as a possibility to put this into Operational Policy 15 in the meantime, but it was determined that the policy is not intended to provide for more stringent rules than what the regulation currently dictates, so it was not pursued.

This issue will remain open until the NACM standard is adopted into the model regulation.

IFRA Status: OPEN

11. 16-020-VEH: Amend 393.118(d)(3) of the FMCSR's requiring belly straps on loads over 2 tiers high

This issue was reviewed by the committee and how it relates to the commodity specific regulation requiring belly straps on dressed lumber. The securement issue arises when trailers are loaded from home improvement stores with several different types of building materials. The material does not make even levels for material placed beside each other which makes the use of belly straps ineffective.

Mike Huntley discussed that when the rules were developed it was never intended to include stacks of uneven goods, only goods that were even and stacked the same and were actually dressed lumber or similar building products. Mr. Huntley indicated these items in the pictures were all different types of materials and not specifically dressed lumber.

Mike Huntley further reported that FMCSA is working towards regulation that will not require belly straps on loads that are 6 feet or less, however, there is nothing in the model regulation to deal with loads over 6 feet high. Pictures have been shown of tiedowns that are going through the middle and they are not even because it is not possible.

The model regulation and testing for the specific commodity section did not contemplate the uneven loads. The study was done for loads coming from the mill, it was never really intended for the loads coming from a retail store to the end user. Rolf indicated that most retail outlets indicate that they can live with staying under the 6 foot level in order to avoid the use of belly straps.

Mike Huntley stated that FMCSA intends to make the same change in the CFRs that is already done in the Standard 10 for loads under 6 feet (to not require belly straps).

This issue will remain open until the changes to the CFRs are complete.

ISSUE STATUS: OPEN



Cargo Securement Harmonization
Public Forum
2017 CVSA Workshop
April 23–27, 2017 – Atlanta, Georgia
Revised Date: April 29, 2017

12. 14-026-VEH: OOSC, Interpretation #3 - Securing Auxiliary Equipment

Mike Huntley outlined this issue and explained that in Montreal the regulators had indicated that they felt that the tiedowns over auxiliary equipment should not be counted into the Aggregate Working Load Limit but after discussion, it needed to be revisited. The request was for the CFRs to reflect the requirements similar to the Standard 10 to require a minimum working load limit (WLL) on the direct tiedowns used to secure heavy vehicles. This would prevent several tiedowns on an accessory piece of equipment to be used to achieve half the weight of the load. The other option would be to exclude the WLL of the securement device on the accessory equipment from the aggregate WLL. The example provided was a 30,000 pound excavator could be secured with 4 – 2” straps (2,000 lb WLL) on the machine with 1 -7,000 WLL chain securing the arm of the excavator.

Regulators reported in Montreal they believe that the tiedowns on auxiliary equipment should not be included in the Aggregate Working Load Limit (AWLL) for the overall securement of the heavy vehicle. This was contrary to the decision that was made regarding the same issue a few years ago when the policy was developed and put into Operational Policy 15. The policy is as follows:

2. CARGO SECUREMENT

OOS Frequently Asked Questions

a.(1) Shall a tiedown used to secure auxiliary equipment on a heavy vehicle be used in the calculation of the aggregate working load limit?

ANSWER: Yes

Mike Huntley indicated that they will not be amending the CFR in relation to the minimum WLL of tiedowns and after discussing heavy equipment further with carriers and looking into the regulation, there is nothing preventing all tiedowns from being included in the working load limit and in some cases, due to anchor points on the load, the auxiliary equipment is used to secure the machine and the chains have to be included in the AWLL. So the policy will remain the way it is and the issue was closed.

IRFA Status: CLOSED

13. CVSA Operational Policy 14 – Discussion – Commodity Specific Cargo Securement

It was reported that this issue had been raised in Vehicle Committee due to confusion among inspectors as to what is meant by the word “load” in Operational Policy 14 under the Commodity Specific securement guidance. There has been confusion as to whether a violation should be cited for the entire vehicle combination, per unit, or per article of cargo. The cargo securement section states “All defects of the same regulatory section or subsection shall be grouped together as one violation per unit” where the Specific Commodity section states violations “will be grouped together and documented as one violation per load under the section number”. Discussion in Vehicle Committee took place on the intent of the guidance when it was placed into the Operational Policy. Vehicle Committee had decided to not make changes to the Operational Policy and leave “load” in the guidance. The Cargo Securement Forum did not agree and reopened the issue. The example provided would be 3 automobiles on one trailer. If all three vehicles were improperly secured, there should be one violation of 393.128 on that unit and placed OOS for



Cargo Securement Harmonization
Public Forum
2017 CVSA Workshop
April 23–27, 2017 – Atlanta, Georgia
Revised Date: April 29, 2017

that section. All violations of that section must be repaired before the vehicle leaves. . The intent of the guidance was to group subsections of 393.128 together to prevent multiple violations of 393.128 being written per vehicle.

It was also suggested by the regulators and other members of the forum that the example of the heavy vehicle should be edited as it is misleading considering most heavy vehicles do not require a tiedown on the accessory equipment. It is recommended that this be revised to a different specific commodity requirement.

The forum worked on developing language to present to the Vehicle Committee to indicate how cargo securement violations should be documented when they are specific commodities or general cargo. The forum agreed on the following language to be implemented into Operational Policy 14.

Securement of Cargo:

OOS Violations for General Provisions

All OOS violations found in sections 393.100, 393.106 or 393.110 shall be documented as one violation and one OOS per section on each transport unit.

OOS Violations for Specific Commodity

Each OOS violation found in Sections 393.116 through 393.136 shall be documented as one violation and one OOS per section on each transport unit.

Defective Tiedowns

All defects of the same regulatory section or subsection shall be grouped together as one violation per **vehicle**.

Examples including but not limited to:

1. All 393.104(b) violations are grouped together.
2. All 393.104(f)(2) violations are grouped together.
3. All 393.104(f)(4) violations are grouped together.
4. All 393.106(d) violations are grouped together.

A tiedown or anchor point that is found to have a defect as outlined in the “Tiedown Defect Table” will not be considered when determining the weight and/or length requirements.

Individual tiedowns being used to secure cargo found in conditions outlined in the table are not OOS, only violations. If these tiedowns are required to meet the requirements for length and/or weight, the OOS condition(s) will be recorded under the applicable weight and/or length and/or the specific commodity.

Specific Commodities:

All violations of subsections of the same regulatory section for a specific commodity will be grouped together and documented as one violation per load under the section number (i.e., **load of metal coils loaded eyes lengthwise– 393.120(d)(1)(i) indicates the metal coil must be supported off the deck of the trailer – 393. 120(d)(1)(iv) must have one tiedown attached transversely over the top of the coil. This OOS violation would be cited as 393.120(d)**. Separate issues within the section should be outlined in the remarks.

Chairman Kovall will present this to the Vehicle Committee later during the workshop for approval.

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**Cargo Securement Harmonization
Public Forum
2017 CVSA Workshop
April 23–27, 2017 – Atlanta, Georgia
Revised Date: April 29, 2017**

14. 16-023-VEH: Guidance/Interpretation of “Unintentionally unfastened” in CVSA Inspection Bulletin 2011-03

Will Schaefer presented a new bulletin, that if passed would replace the existing bulletin on intermodal container locks. The current bulletin was creating confusion as to whether a tie wrap or similar device is required if the secondary latch is in place and working as intended. The type of secondary latch in question was one that was a gravity lock as intended by the manufacturer.

The Vehicle Committee had agreed in September 2016 that the CVSA Inspection Bulletin 2011-03 should be followed by all jurisdictions and that the training guidance within the current CVSA bulletin was adequate. However, subsequent to the Vehicle Committee meeting, CVSA Vehicle Committee leadership and some state agency contacts met with FMCSA and determined a number of clarifications may be needed, suggesting that a new inspection bulletin be drafted to reflect current understanding of accepted means of securing intermodal containers to container chassis. The new inspection bulletin was presented and there were several edits and the final version was approved. The bulletin main intent was to ensure that inspectors know that when the secondary latch or gate is in place and the lock is in the locked position, nothing additional is required.

The bulletin passed through Vehicle Committee and the Board of Directors.

IRFA Status: CLOSED

15. 17-022-VEH: Crushed Cars

Pictures of crushed cars were shown to the committee regarding a request as to whether the load should be considered under the specific commodity or under general provisions. The committee looked at the pictures and compared the pictures to the current guidance outlined in Operational 15 which indicates the following:



A “crushed car” means a vehicle that has been subjected to mechanical compression that reduces the vehicle’s height as part of a recycling process, without significantly reducing the vehicle’s length or width. A cube of miscellaneous crushed metal must be secured by the general cargo requirements.

Due to the fact that this load has significant reduction to the length and width of the vehicle including the height, it was concluded that this load would be considered under the general provisions requirements and not the specific commodity.

IRFA Status: CLOSED



Cargo Securement Harmonization
Public Forum
2017 CVSA Workshop
April 23–27, 2017 – Atlanta, Georgia
Revised Date: April 29, 2017

16. Recent submission: Tow truck platform vehicle securement

Questions below are regarding vehicles secured on flat tow truck beds (a.k.a. roll-backs or tilt-and-load style wreckers) using a winch, related to issues raised in 12-004-VEH. Clarification is requested about whether a winch can be considered a tie-down and if so when? The questions are:

Could winch (with no WLL) used for securing light vehicles be considered as the “front tiedown” even if they don’t have any WLL ratings ? It was discussed that there is nothing preventing the winch from being used as a tiedown and in Canada, it is outlined in an interpretation guide and a Cargo Securement Guidance Book that a winch is an acceptable tiedown. Winches are acceptable as a tiedown and if they are in Canada, they will have to be marked and rated.

It was determined in earlier meetings that the use of a winch to tighten a chain at the rear that is not independently secured was not acceptable, however, Mike Huntley indicated a temporary exemption will be issued to allow for chains without binders (non- tensionable) to be used to secure vehicles to a flatdeck and tensioned by a winch or adjustable tiedown at the front.

IRFA Status: CLOSED

17. Recent submission: Large HVAC on flatbed trailer

Pictures of an HVAC unit were shown. It was 40 feet long, a little wider than 102 wide, and weighs approximately 20,000 pounds. The bolts were tightened when it was moved. It had 8 of the “bolts” pictured securing it to the rub rail of the flatbed truck, 4 on each side. No markings on the bolts. There was no signs of movement. The discussion was as to whether this is adequate as a method of means of securement.

There was a lot of discussion regarding alternative means and how inspectors are to determine this at roadside. Is it enough to say that the load has not moved and if it hasn’t, it is secure? Industry in the room indicated that this means of using J-Bolts is acceptable and used often. The question was what if an inspector sees 3 bolts or two bolts as opposed to 8 bolts, how many are enough to meet the performance standards.

Luke Loy presented a permit certificate that is being used in Nebraska for hay that shows an acceptable alternative means of securement. The discussion was as to whether this certificate and method of certifying a means of securement would be of assistance roadside. Most enforcement in the room indicated that it would be. The issue from industry was how would they be able to get that done in all cases when this type of load is being moved.

Industry suggested that in some cases, the shipper provides them with the means in which to secure these loads. Chairman Kovall decided to table this discussion for the next meeting to allow for industry in the room to ask some shippers for documentation related to securement of unique loads to see if they provide adequate information for the purpose of a certification to be presented roadside. This will be presented at the Vehicle Committee and revisited at the next Cargo Securement meeting.

IRFA Status: OPEN





Cargo Securement Harmonization
Public Forum
2017 Spring Workshop Minutes
April 23, 2017 – Atlanta, Georgia
Revised Date: April 26, 2017

The meeting was adjourned by Fred Kovall at 4:30 pm on April 23, 2017.

Attendees	Organization
Ron Jenkins	Oklahoma Highway Patrol
Kirby Logan	Oklahoma Highway Patrol
Gregg Meyer	Precision Strip Inc
Denis Phillips	Precision Strip Transport
Theresa Broadbent	Landstar
Mahal Cason	Landstar
Andrew Barnes	Alberta Motor Transport Association
Bud Kneller	Frontline Commercial Vehicle Solutions
Geoff Wood	Canadian Trucking Alliance (CTA)
Cleve Bare	Exponent
Karl Mittelstadt	Wisconsin State Patrol
Brian Ausloos	Wisconsin State Patrol
Nic Betts	Wisconsin State Patrol
Matt Koll	South Dakota Highway Patrol
Greg Kauffman	Ankra International
Marc Studer	Michigan State Police
Steve Haywood	British Columbia Ministry of Transportation
Bryan Horst	Manitoba Infrastructure Motor Carrier Division
Doug MacEwen	PEI
Alf Brown	Alberta Transportation
Stephane Theriault	Faucher
Becky Perlaky	Kenan Advantage Group
Eric Bergquist	Maine State Police
Rob Nichols	Maine State Police
Luke Loy	FMCSA
Mike Huntley	FMCSA
Julie Villemaire	Transport Canada
Alex Bugeya	Frontline Commercial Vehicle Solutions
Regie Wilson	Davey Tree Expert Co
Julie Sutrick	Schneider National
Doug Turpening	XPO Logistics
James Demcheson	Govt of Nunavut
Dave Schofield	Oldcastle Materials
Marilynn Zolanek	MYR Group Inc
Justin Dumouchel	Canadian Nuclear Laboratories
Randy Roesler	Cassidys Transfer
Stephen Purdy	Jade Transportation
Terry Soulsby	Nordion (Canada) Inc
Garry Merriman	Maverick