



**Cargo Securement Harmonization
Public Forum Agenda
November 27, 2018 – Montreal, Quebec
Revised Date: October 11, 2018**

Chair: Jeremy Disbrow
Vice Chair: Terrance Hendricks
Secretary: Bud Kneller
CVSA Liaison: Kerri Wirachowsky

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1. Opening Remarks & Self Introductions

Please make sure to sign in at the meeting. Sign in sheets will be circulated.

2. Adoption of Agenda

Issues should be submitted in advance, if possible, to the North American Cargo Securement Harmonization Public Forum through CVSA’s Issue/Request for Action (IRFA) form on the CVSA website. New issues may also be raised at the forum. Issues are generally discussed in the order received.

3. Review/Approval of Meeting Minutes from Portland, Oregon - April 08, 2018

 *Attachment 1 – 2018 Portland Cargo Securement Meeting Minutes.pdf*

Meeting minutes are included for review.

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

This 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



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changes in CVSA policies or Out-of-Service Criteria (OOSC) accordingly. The forum works to facilitate uniform policies, regulations and enforcement for cargo securement in North America. The forum is open to all interested parties.


5. Regulators Group Status Report

Regulators from the U.S. and Canada provide relevant cargo securement regulatory policy or research updates unrelated to the Request for Action issues throughout the agenda. Those will be addressed throughout the meeting.

Request for Action Items (NEW)

6. 18-012-VEH: Polyester Straps WLL

Submitted by: Matthew Peck, New York State Police

 Attachment 2 – Sinode Tenax Strapping.pdf

Summary of Issue

Currently, there is no assigned WLL in the FMCSR that addresses polyester straps or strapping utilized to secure heavy items to pallets or unitize a load. The attached file from one manufacturer shows an approximate breaking strength of this type of strapping. The Cargo Securement Harmonization Sub Committee addressed this issue and determined the strapping was adequate if the load in question, transformers, did not shift.

Justification or Need

Currently, we often see metal coils weighing 4000 + lbs. secured to pallets with two 7/16” wide polyester straps (550 lbs. breaking strength according to the manufacturer attached pdf file), then placed on friction mats (attached pictures). The strength of these straps cannot be determined roadside.

Request for Action

We need uniform guidance and/or a standardized WLL table for this strapping. Until a WLL is established under FMCSR, guidance can be as simple as: When utilized to secure objects, unmarked polyester straps or strapping will have a WLL of 50 lbs. for every 1/8 inch of strap width.





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7. 18-020-VEH: OOSC, Part II – Item 2. Cargo Securement – Recycled Scrap Metal

Submitted by: Christopher Vinson

Summary of Issue

We are experiencing a large volume of recyclable scrap metal haulers traveling through our jurisdiction as our city contains a large steel recycling facility serving as their final destination. These carriers will typically use a high side rear dump trailer (seen in attached photos) to carry their loads. These loads are either in loose scrap metal or compacted square bails of the same loose metal. The enforcement and safety issue is that they will load these trailers above the side walls of the trailer, load level with the side wall but have loose material (see example photo 2) or they will load 90% full with loose scrap metal and place crushed/flattened cars on top of the loose material for securement. We routinely see large pieces of metal sitting in lanes of traffic on both of our major highways and have seen multiple civilian motorist vehicles struck by metal objects leaving these loads (see example video and local Fox news clip <https://www.youtube.com/watch?v=N3H3FczZU3c>). We receive numerous calls for service from passing motorists when they observe objects leaving these vehicles, consuming LE resources.

Justification or Need

As this is a large part of the commercial traffic in our jurisdiction, we do not have a way to enforce the prevention of these unsecured loads roadside. Looking at both state law and federal regulations (393.100 – 393.136) there does not appear to be anything which covers recycled metal. The requirement to tarp a load only extends to trash, sand, rock/gravel and wood chips. While some of these loads extend above the sidewalls of the trailer, others will be level with the height of the side walls and still allow this recycled loose metal to exit the vehicle. With the drivers who place a crushed/flattened car on top of the load, the car will not be secured in any fashion. It is unclear to both enforcement and carrier in this instance if the driver is considered a flattened car carrier or a recycled metal carrier.

Request for Action

I would like to see a regulation requiring these carriers of recycled metal to have some form of tarping requirement to prevent their load from leaving the vehicle. Currently there is no preventative enforcement measures, only when the load actually leaves the vehicle. I would also like clarification as to the carriers who place a flattened car on top of the scrap loads. Are they considered to be a flattened car carrier or recycled metal carrier?





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8. 18-027-VEH: Lighting and Cargo Securement Issues Around Demountable Boxes

Submitted by: Luke Loy, FMCSA

Summary of Issue

Demountable Trailer Boxes - An inquiry was directed at FMCSA regarding lighting and retroreflective requirements that should be applicable to demountable trailer boxes. Discussion between Kerri Wirachowsky (CVSA) and Luke Loy (FMCSA) and Lt. Kevin Kelley (MoSHP) identified that demountable trailer boxes look like conventional trailer, but because the demountable body is the cargo, violations may be noted on inspections that are erroneous and may be subject to DataQ challenges.

Justification or Need

Guidance concerning the proper understanding of regulatory requirements for Demountable trailer boxes may be necessary to reduce the amount of erroneous violations on roadside inspections.

Request for Action

FMCSA requests discussion by the vehicle committee to determine whether the need exists for CVSA to draft enforcement guidance regarding future inspections of demountable trailer boxes with respect to lighting and retroreflective tape requirements, and **cargo securement requirements**. <http://www.demount.com/>



Demountable Body Types



Van Body



Curtain-Side



Refrigerated



Flatbed



Specials




Warehouse on Wheels



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Open Issue/Request for Action Items

9. Part II, Item 2 - Cargo Securement - Synthetic Textile Chain

 *Attachment 3 - 2018-03 Textile Link Tiedown Assembly*

Ralph Abato presented a new type of textile chain and passed around a sample in the Portland meeting. It was determined that an Inspection Bulletin needs to be developed to outline the different characteristics of this type of tiedown and a defect chart be developed for the OOSC. The forum took this request to the Vehicle Committee and the Vehicle Committee tasked the Training Committee to draft a bulletin. A representative of the Training and/or Vehicle Committee will report on the status of the Inspection Bulletin and the OOSC update.


10. 17-008-VEH: OOSC, Part II, Section 2.I. – Flatbed trailers hauling PODS

The transporters of PODs were looking for clarification on the use of twist locks on flatbed trailers to secure the containers, or do they require a chain or strap? These twist locks are similar to what is used on intermodal trailers that do not require any chains for securement.

The forum tasked CVSA staff to draft language for the existing Inspection Bulletin 2017-02 - Securement of an Intermodal Container on Container Chassis Vehicle to include information for PODS. The draft was presented in the Portland meeting, but attendees there wanted more in the draft to indicate how many corner locks must be used to meet the minimum requirement. CVSA staff was tasked with researching with PODS to find out what the minimum number would be. Due to the fact that these are not “Containers” as specified for the specific commodity, the required 4 may not be required. CVSA will present what information they received and suggested revised language for the bulletin.

Post Portland Information: CVSA staff contacted the PODs manufacturer and was provided the following information: Corner locks will not work on PODs due to the container being narrower and shorter. That is the case for all PODs containers and therefore they would be on a flat deck trailer with some other means of securement.

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

 *Attachment 4 - FMCSA 393.108 NACM Chart Petition*

National Association of Chain Manufacturers (NACM) finalized a document that outlines the performance specifications and marking of removable hooks used in tiedown assemblies. This issue has been outstanding for several years so the forum decided to ask the Vehicle Committee to ask the Board of Directors to petition FMCSA to make an update to the regulations. The Board of Directors agreed in Portland to direct CVSA staff to petition FMCSA. FMCSA will report on the status of the petition.



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12. 11-030-VEH: Securing Metal Coils in Sided Vehicles

The question was raised several meetings ago regarding 393.120(e) and NSC 10(58) which articulate 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 that metal coils transported in sided vehicles with anchor points should be loaded a manner to prevent shifting and tipping consistent with either 393.120(b), 393.120(c), 393.120(d) or 393.120(e), or in a vehicle without anchor points consistent with 393.120(e). CVSA sent a letter to FMCSA requesting clarification. The regulators indicated new wording is being considered that would stipulate when there are anchor points in a sided vehicle, it will not be mandatory to use them if they are not the most suitable way to secure cargo.

FMCSA and CCMTA reported in Portland that they were working on draft updates for the Model regulation and this would be one of the issues.

The Regulators Group will provide an update on their progress.

13. 12-033-VEH: NSC Standard 10 - Section 89(2) Accessory Equipment

This question and discussion in previous forum meetings discussed whether or not accessory equipment requires a tiedown. 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.

It was determined in the Portland meeting that FMCSA should amend Interpretation #3 in 393.130 to reflect the same language that Canada has in NSC Standard 10. The forum decided to ask the Vehicle Committee to ask the Board of Directors to petition FMCSA to make an update to the regulations. The Board of Directors agreed in Portland to direct CVSA staff to petition FMCSA. FMCSA will report on the status of the petition.

14. 16-020-VEH: Amend 393.118(d)(3) of the FMCSR’s requiring belly straps on loads over 2 tiers high

15. 12-010-VEH: Cargo Securement - Dressed lumber or Similar Building Products

These issues were combined as they both relate to how the commodity specific regulation requires 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.

The Regulators have 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. They further indicated these items in the pictures were all different types of materials and not specifically dressed lumber.

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.



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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. It has further been discussed 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.

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). FMCSA will report on the status of the petition.

16. Clarification on Roll-on/Roll-off Integral Securement Systems

Issue was whether or not hooks are considered part of an integral locking system and does the rear portion of the system have to be within 6'7" of the rear of the box.

The current regulation and the NSC Standard 10 does not require the integral locking system to be within 6'7" (2 m). The model regulation indicates and industry standards dictate that the system should be within 6'7" (2 m) from the rear of the box.

It was suggested that if the vehicle is equipped with an integral locking system that the distance from the rear of the box is not relevant and that distance only applies when a system is not used and another means is being used. However, it was pointed out that in the 1999 model regulation the way it is worded that the distance does apply to the rear portion of the integral locking system.

It appears the information was not transferred into regulation correctly when it was brought in from the model regulation, but in order to substantiate that, the regulators suggest that they get the ANSE standard to compare it to the model to see what their intent was in development.

FMCSA and CCMTA reported in Portland that they were working on draft updates for the model regulation and this would be one of the issues.

The Regulators Group will provide an update on their progress.

17. Transporting of Flatdeck Trailers on Flatdeck Trailers

An issue was raised from industry regarding the fact that trailers carrying trailers are not being secured as required under the specific commodity requirement for heavy vehicles. The trailers are over 10,000 lbs in most cases and the only jurisdiction that requires direct tiedowns is Manitoba. Every other jurisdiction seems to be allowing these loads to be secured under general provisions.

The interpretation in for NSC Standard 10 was brought up and it was suggested that this interpretation be adopted into Operational Policy 15 for both Canada and the US. CVSA was tasked with developing guidance however, when the guidance was discussed in the Portland meeting, the regulators asked that the committee table this issue until the fall meeting. FMCSA and CCMTA reported in Portland that they were working on draft updates for the Model regulation and this would be one of the issues. They would like to work on this issue as they are not sure that the intent was to include semi-trailers in with heavy vehicles for the specific commodity requirements. They will report on their decision and update on any progress.



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18. 17-011-VEH: 393.106(d) - Tiedowns (Direct - Indirect)

Summary of Issue

Tie Down Capacity 393.106(d)

- (1) One-half the working load limit of each tie down that goes from an anchor point on the vehicle to an anchor point on an article or cargo;
- (2) One-half the working load limit of each tie down that is attached to an anchor point on the vehicle passes, through, over or around the article of cargo, and is then attached to an anchor point on the same side of the vehicle.
- (3) The working load limit for each tie down that goes from an anchor point on the vehicle, through, over, or around the article or cargo, and then attaches to another anchor point on the other side of the vehicle.

Justification or Need

Request for guidance on a tiedown which goes from an anchor point on the trailer through the article or cargo and then attaches to an anchor point in the middle of the trailer. This tie down does not meet the definition of either a direct or indirect tie down, but falls between both.

Have asked two FMCSA personnel and two state inspectors and have received two different responses from both. When discussed, the state inspectors are not sure what capacity this tiedown would get. One FMCSA person says full capacity and one says half capacity.

Request for Action

Consistent application of the rule so we know what capacity this tie down would get either full capacity or half capacity.

This issue was discussed in Montreal a year ago and the regulators indicated that this was an indirect tiedown and the issue was closed. When the issue was revisited during the Vehicle Committee meeting in Portland, there was some confusion as to what exactly was decided during the Montreal Forum. Mike Huntley from FMCSA stated that the regulations don't address this issue, and prior to giving guidance, he needs to talk with the lawyers and others at FMCSA. The item will remain open until FMCSA discuss the issue with them and get more information.

FMCSA will report on their progress.

