



North American Cargo Securement Harmonization Public Forum  
DRAFT Meeting Minutes  
Monday, April 25, 2016 – CVSA Workshop  
Chicago, IL

Revised Date: PRE-PUBLICATION WORKING DRAFT 06/10/16

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**Chair:** *Fred Kovall, Anderson Trucking Service*  
**Vice Chair:** *Rick Oaks, Utah Highway Patrol*  
**Secretary:** *Rolf VanderZwaag, Ontario Trucking Association*  
**CVSA Liaison:** *Will Schaefer*

**1. Opening Remarks**

Mr. Kovall welcomed attendees and self-introductions were made. A list of attendees is attached.

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**2. Adoption of Agenda**

The draft agenda was emailed on April 19, 2016, to past attendees and those registered to attend. One additional agenda issue was added to the agenda at the request of the Manitoba Trucking Association.

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**3. Review/Approval of Minutes December 2, 2015, Meeting – Montreal, Quebec**

The minutes for the December 2, 2015, meeting of the forum were unanimously approved. Copies of the approved minutes are included as attachment 1.

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

Mr. Kovall and Mr. VanderZwaag reviewed the organizational structure of the forum and how its key role is to provide a public venue for issues related to uniform regulation and enforcement of cargo or load securement to be raised and discussed. 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.

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**5. Regulators Group Status Report**

Mike Huntley from the Federal Motor Carrier Safety Administration reported that since several of the issues on the agenda were awaiting outcomes from the regulators group, he would report on each item as it came up on the agenda. The regulators' assessments are therefore included by issue herein.

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**6. Closed Issue/Request for Action Items (Updates Only)**

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*The following items were on previous Forum agendas and have been closed. They are included on these minutes since they summarized the items for attendees. Items are listed in order from oldest to most recent.*

**A. 15-032-VEH: OOSC, Part II, Item 2 (a). Cargo Securement – Amendment**

This issue was raised at the December 2, 2015, meeting in Montreal and discussion continued at this meeting. The request seeks an amendment to the Out-of-Service Criteria section 2a Cargo Securement to address situations where cargo is loaded in an unbalanced manner causing the vehicle to lean to one side. Photos of the specific case were reviewed.

There was general agreement that a severe vehicle lean for any reason could be a safety concern. Further discussion explored the difficulty in determining the cause of such a lean and its severity. Suspension problems or defects can cause similar vehicle leaning conditions and it would be necessary for an officer to establish some certainty about the cause to be able to take specific enforcement action.



**Forum Action:** Since there was no clear cargo securement issue, forum attendees agreed to pass the issue back to the Vehicle Committee without any recommendation.

**IRFA Status:** Closed

**B. 15-023-VEH: OOSC, Part II, Item 2. Cargo Securement - Mismatched Chain Sizes**

This Issue/Request for Action (IRFA) was discussed at the December 2, 2015, meeting and reviewed here. It sought to address situations where a chain hook is attached to a chain that is a different size than the hook - in particular; a 3/8 to 1/2 in rated grab hook on 5/15 in. chain. Forum attendees had discussed the many ways that these components could be mismatched. Best practice would be to use components that are all the same size, but not all cases of mismatched components are problematic either. For example, using one chain to create a loop and then attaching a larger size hook onto the looped chain was agreed to be one way of correctly using different size chains. The difference between “grab” hooks and “round” hooks had also been discussed.

In reviewing the regulations, Forum attendees agreed that the regulatory requirements for tiedowns used language that was appropriate for dealing with these types of situations.



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FMCSR 393.104 (b) states that tiedowns “must be in proper working order when used to perform that function with no damaged or weakened components, such as, but not limited to, cracks or cuts that will adversely affect their performance”. NSC 10 uses almost identical language. Forum attendees agreed that in this type of situation a tiedown is not able to perform its function and is therefore defective.

**Forum Action:** Due to the wide variety of other possible situations Forum attendees agreed that the use of this section of the regulations for dealing with situations of mismatched chain sizes should be re-affirmed in training. No other action was taken.

**IRFA Status:** Closed

**C. 09-017-VEH:** OOSC, Part II, 7. Securement of Cargo, h. (4) - Remove Defect Classification Table for Cargo Securement Webbing & 04-014-VEH: Clarification of OOSC 393.104(b) – Vertical Cuts

This issue has been an ongoing discussion for the forum. FMCSA had provided regular updates on testing of cargo securement synthetic webbing straps. The testing is still a work in progress; however, most recently, funding priority was given to other research and no additional work is being done to expand the testing conducted to date. Luke Loy of FMCSA, who is the originator of this Issue/Request for Action (IRFA), agreed to close the issue unless and until additional testing is resumed for consideration of results.

**Forum Action:** Agree to close.

**IRFA Status:** Closed

**D. 13-041 VEH - Stacks of Slitter Coils with Eyes Vertical on Pallets (Previously closed)**

This Issue/Request for Action (IRFA) was discussed in prior forum meetings, closed and then reopened. The request seeks support on proper interpretation and application of the commodity-specific requirements for metal coils. The specific incident that generated the IRFA was resolved by application of the general requirements to secure cargo.

Attendees to the Forum meeting in Montreal in December 2015 discussed the need to treat them as general cargo. This removes the issue of single slitter coils requiring 3 tie-downs but stacked slitter coils only requiring 1 tie-down. The Forum attendees in Montreal clarified that if enforcement determined that a single tie-down was not enough it would be a violation. The overriding issue is that the cargo cannot move from side to side. The Forum agreed that stacked slitter coils considered general cargo would have to be secured properly, which in turn means that more than one tie-down would become necessary—this conclusion was to be communicated to the Vehicle Committee



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Another issue that was of particular concern is the lack of a way to define when metal coils are to be treated as a “group”, and how individual articles in a group are affected by the securing devices. Forum attendees have agreed that loads like the one in question can be enforced through the general requirements for securing cargo. A definition of the term “grouped” is still needed and the Forum is looking to the Regulators Group to address the matter. Whether or not a definition for “grouped” can be resolved by regulators, metal coils loaded in this manner could be treated as general cargo.

FMCSA reported it is considering temporary exemptions relative to this loading condition. Based on the assurance that the Regulators Group plans to review the matter outside of the IRFA, the issue will be closed and removed from the agenda.

**Forum Action:** Agree to close.

**IRFA Status:** Closed

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## 7. New Issue/Request for Action Items

### A. 16-007-VEH - Cargo Securement – Securement of pallets in van trailers/trucks

This Issue/Request for Action (IRFA) seeks to address the lack of OOS criteria for a load of pallets loaded down the center of the trailer that shifted during transit to the point the trailer was leaning to one side. While the Forum has dealt with the issue of a leaning trailer in the past, the concern here is the shifted cargo and the lack of a direct way to place the vehicle OOS.

The forum recommended that an OOS condition be considered whereby BOTH a leaning of the vehicle AND evidence of the load having shifted would result in an OOS. The leaning condition itself is not a violation unless, upon inspection inside the van, the load has evidently shifted. If both conditions occur, then the inspector can conclude that the load was not adequately secured and is OOS.

**Forum Action:** The above recommendation to be reported to CVSA Vehicle Committee.

**IRFA Status:** Open

### B. 16-011-VEH - Cargo Securement – Transport of Utility Poles

This Issue/Request for Action (IRFA) seeks to develop a uniform way to address the correct and acceptable tie down configurations for the trailer in the photo (photo is of a utility pole trailer, variable length frame extender, bunks at either end), particularly when the bottom poles are not in contact with the outside stakes/bunks. Some authorities have required him to follow 393.110(d) and others to follow 393.116(f).

The forum attendees concluded through discussion and consensus that, for the subject vehicle configuration (shown in the photo), two approaches to compliance with the U.S. regulations



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are acceptable: either through 49 CFR 393.116 provisions for securing logs or through 49 CFR 393.110-114, the general tie down provisions.

Forum Action: Due to the dual alternatives available for securement, Forum attendees agreed that the acceptability of either option be emphasized in inspector training.

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## 8. Open Issue/Request for Action Items

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

The Regulators Group has previously expressed concern about the differences in the way the cargo is defined and some reservation about encouraging transport of metal coils in sided vehicles. The Regulators Group agreed to look at the issue again - including exploring ways to exclude this particular commodity from the metal coil definition, and report back any update or action. Forum attendees agree that clarification on the specific question will be helpful and any the change would need to allow the carrier to determine best practices.

**Forum action:** Open for update by regulators

### B. 12-010-VEH Belly Straps on Dressed Lumber

Carriers are having difficulty complying with the requirements for securing bundles of lumber that are three or more tiers high. 393.118 requires tiedowns to be placed over the middle tier of these loads. When the bundles placed beside each other have different heights, the strap becomes ineffective at securing the lower bundle and actually exerts upward pressure on the bundle above it. These straps can actually make the load less secure than leaving them off or not tightening them. However, officers are issuing violations for loads that don't have the straps or that leave the straps loose.

FMCSA reported that it recognizes this question needs to be addressed and the agency is committed to changing the provisions for belly straps on dressed lumber.

**Issue Status:** Open for update by regulators

### C. 12-033-VEH - NSC Standard 10 - Section 89(2) Accessory Equipment

Section 89(2) of the National Safety Code Standard 10 - Cargo Securement, provides that accessory equipment on a heavy vehicle shall be lowered and secured to the vehicle unless: (a) the accessory equipment can only move vertically (b) accessory equipment that can pivot, tilt or move sideways is blocked or immobilized by the transporting vehicle's structure or by a blocking or securement mechanism built into the transport vehicle.



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After identifying that the concern primarily relates to the Canadian Standard (NSC 10), further Forum action of discussion was not necessary. The Regulators Group however indicated that discussion was ongoing due to varying enforcement of the requirement and the way to calculate aggregate working load limit. The Regulators Group reported that language may need to be worked into regulation to clarify that equipment is properly secured if secured at all four corners and aggregate working load limits of tiedowns exceeds half the weight of the equipment and accessory equipment is lowered and secured mechanically, hydraulically, or by means of tie downs. Thus a tie down on a piece of equipment would not be required so long as the auxiliary equipment (dozer blade, excavator bucket, etc.) is secured. Furthermore, if a tiedown is used to secure accessory equipment, it should count toward the aggregate working load limit calculation. The Regulators Group will continue to address this issue.

**Forum Status:** Open for update by regulators

**D. 14-026-VEH - OOSC, Interpretation #3 - Securing Auxiliary Equipment**

This issue requested the securement of large machinery, specifically accessory equipment, be modified to either require a minimum WLL of the four securement devices, similar to Canadian rules, or exclude the WLL of the securement device on the accessory equipment from the aggregate WLL. There is a large variety of accessory equipment and the current regulations do not adequately ensure that the heavy equipment is safely secured. 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. If the hydraulic system was placed in a float position or bled off, it was felt that this machine would not be adequately secured.

The Forum attendees note that US and Canada differ on the securement of large equipment. Canada puts a minimum requirement of 5,000 lbs on each of the four required securement devices at the corners of the piece of equipment. The US does not have a minimum WLL for these securement devices. The Forum is seeking information on the use of hydraulic pressure to be the equivalent of a securement device under a different issue request. Mike Huntley reported that when the commodity specific regulations were created, the intent was to not require over securement of the cargo. Depending on the weight of the piece of equipment, the driver is already required to secure half the weight of the object under 393.106. If you have a large piece of machinery that weighs, for example, 20,000 lbs, the driver would be required to secure 10,000 lbs WLL. If a requirement of 5,000 lbs per device is required, the driver would then be required to secure 20,000 lbs, the entire weight of the object. Mr. Huntley stated that it is unlikely to see a change in the regulations since the securement of the equipment with a minimum of four securement devices on the equipment secures a good portion of the load and finishing the weight requirement off with securement on the accessory equipment would be a normal circumstance.



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The accessory equipment is still attached to the equipment so is considered part of the equipment. Members reported that they regularly see where the four securement devices do not quite meet half the weight of the equipment with the remainder of the requirement met with a securement device across the accessory equipment. Even if the hydraulic pressure is placed in a float position or bled off, the accessory equipment is still securely attached to the piece of equipment so the securement device on the accessory equipment would still be working in conjunction with the devices that are directly secured to the main body of the machine. The other issue brought up was the limited attachment points on the machine for securement. On larger equipment, there can be multiple securement devices attached to one securement point to meet the weight requirement. If the WLL of accessory securement devices are not included, this would place more securement devices on that one anchor point.

**Forum Action:** Awaiting update from Regulators Group on the difference between US and Canadian requirements for minimum tie-down strength in standard 10 section 89 (4) (a) compared to FMCSA 393.130.

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

This issue was raised at the December forum meeting in Montreal and continued here in Chicago. The Issue/Request for Action (IRFA) seeks clarification on proper use of twist lock devices used to secure intermodal containers onto container chassis. While the question related specifically to the degree of rotation of the locking mechanism, there are many types of locks that work in many different ways.

Forum attendees agreed in Montreal that for a locking mechanism to be considered to be securing an intermodal container, it must be fully in the closed or locked position as described by the manufacturer of the specific device. Further discussion on whether the driver would be given any opportunity to re-position a locking device that was not fully locked failed to lead to agreement on a single uniform approach. It was subsequently agreed that such situations should be handled based on local policy.

Due to the wide variety of these type of devices Forum attendees recommend that the Vehicle Committee consider developing a bulletin with pictures that shows the common types of locking devices and the means included by the manufacturer to ensure they are prevented from “becoming loose, unfastening, opening or releasing while the vehicle is in transit”, as required by the regulations.

The forum attendees concluded that a particular angle that a twist lock must turn to be considered locked (primary lock) is not possible since there are numerous designs of twist locks. It is up to the manufacturers what is the necessary rotation angle for twist locks to be engaged. There are no broad industry or regulatory standards on twist lock engagement—only individual manufacturer designs.



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**Forum status:** Open (Pending violation history data from FMCSA and response from Vehicle Committee on whether or not to update Inspection Bulletin. Author’s note: Subsequent Vehicle Committee discussion April 27, 2016, concluded that no update to CVSA bulletin is warranted).

**F. 14-019-VEH: WSTDA Standards T-3 and T-6**

FMCSA has received a petition to update the T-1 Standard. FMCSA may look into revising all Standards at once given that the last revision was done more than five years ago. CVSA will not submit an additional letter to FMCSA in support of WSTDA. CCMTA will also look into their current T-1 Standard position, as they too might be out of date. Forum agrees to have Regulators Group deal with incorporating the latest versions.

**Forum status:** Closed

**G. 11-043-VEH: Marking and Rating of Tiedowns - WLL on Hooks**

The National Association of Chain Manufacturers (NACM) has finalized a document that outlines the performance specifications and marking of removable hooks used in tiedown assemblies. The Regulators Group plans to introduce a table for these hooks into the model regulation. Unmarked hooks would then be prohibited. Forum attendees expect an update on the addition of the NACM tables for hooks.

**Forum status:** Open for update only

**13-041-VEH: Stacks of Slitter Coils with Eyes Vertical on Pallets**

Forum attendees agreed that loads like the one in question can be enforced through the general requirements for securing cargo. A definition of the term “grouped” is still needed and the Forum is looking to the Regulators Group to address the matter.

**Forum status:** Closed

**16-XXX-VEH Securement of Cargo in Sided Vehicles**

The Alberta Motor Transport Association (AMTA), with support from the Manitoba Trucking Association, raised concerns about consistency of enforcement on securement of cargo in sided vehicles (van trailers). In summary, the concerns of the carrier associations relate to the question of what constitutes proper containment of cargo, as required by Standard 10, within a sided vehicle (van trailers specifically but the question would extend to delivery van trucks as well) and, when there are voids or gaps of a certain size between cargo and the sidewall, whether or not dunnage, blocking, or bracing materials are needed.



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A specific loading condition was provided by Manitoba Trucking Association 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. A diagram and excerpt from an inspection report, including violations issued, are included in the attached Issue/Request for Action.

The Forum heard explanations from the carrier groups that the province of Alberta has established a policy that set a weight and gap limits as follows:

- Cargo weighing greater than 500 kg (1100 lbs.) which is greater than 8 inches in void from the sidewall, shall be deemed unsecured cargo.
- Cargo weighing less than 500 kg requires no securement.

The province of Alberta reportedly had a spate of rollovers specifically related cargo shifting in van trailers. This Alberta policy was established as a result. The Forum acknowledged the concerns of the carrier groups but recognized that individual jurisdictions have authority to establish rules, regulations, and policies to address safety issues specific to the jurisdiction, as Mr. Roth explained was done in this case.

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## **9. Reports & Presentations**

- A.** No additional reports or presentations.

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## **10. Next Meeting**

**To be determined.**

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## **11. Adjourn**