

ISSUE NUMBER

23-025-VEH

ISSUE NAME

OOSC, Part II, Item 2. Cargo Securement, a. General Securement

STATUS

Closed

Vehicle Committee

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In June 2023, an officer stopped a mobile crane because the ball and cable on the boom was not secured. Per the video from the officer, the ball and cable moved from side to side. The officer initially cited the violation under 49 CFR 392.9(a) and put the vehicle out of service. (392.9(a)(2) is OOS in ASPEN, however, it can be changed to a non-OOS violation). In reviewing the out of service criteria, it states "Parts of a vehicle or condition of loading such that the spare tire or any part of the load, cargo or dunnage call fall onto the roadway." The ball and cable were not in jeopardy of falling on the road. 49 CFR Part 393.130 would not apply because the crane was not cargo.

JUSTIFICATION OR NEED

If this vehicle was being transported as cargo on another vehicle, per 49 CFR Part 393.130, the accessory equipment would have to be secured. Because it was being driven and not hauled as cargo, there appears to be some "gray" area concerning the violation and corresponding OOS. While the cable and ball were not in jeopardy of falling on the road, the ball and cable moved enough it possibly could strike another vehicle when entering a curve or bend in the road. It also could swing front to rear during a sudden stop or hard brake.

REQUEST FOR ACTION

49 CFR 392.9(a)(2) states "the commercial motor vehicle's tailgate, tailboard, doors, tarpaulins, spare tire and OTHER EQUIPMENT USED IN ITS OPERATION, and the means of fastening the commercial motor vehicle's cargo, are secured." I request the phrase "can fall on the roadway" be removed from the Out of Service criteria or include verbiage that vehicle accessory equipment not secured and deemed a safety hazard be allowed to be placed out of service for vehicles being driven on the road. Whether the vehicle is being transported or driven, there appears to be similar safety concerns created by not securing the accessory equipment.

SUPPORTING DOCUMENTS/PHOTOS

- [IMG_E2865.mov](#)

ACTION TAKEN BY COMMITTEE

This issue was discussed during two Cargo Securement Harmonization Public Forum meetings. Although folks don't like the ball swinging around, it is not cargo and putting something in the OOSC for this situation could be problematic. There were other issues brought up that could get brought into the equation with unintended OOS

results. Several pictures of different styles of cranes with winches, etc. hanging over the front, middle or rear were viewed. The forum determined that in this case, having the driver secure it once the vehicle is stopped is what would be likely and not documenting an OOS for it doesn't affect safety. The item was closed with no action.