

ISSUE NUMBER

21-048-VEH

ISSUE NAME

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

STATUS

Closed

Vehicle Committee

NAME

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This dry van enclosed trailer was loaded with cases of bottled water unitized on pallets. The second set of pallets forward from the rear shifted during transport causing an instability in the vehicle. The cases of water on those two pallets fell to the right during transit into a space between the pallet and wall. This caused the right trailer wall to bulge out slightly and a transfer of weight or weight imbalance over the trailer tandems on the right side. The trailers stability was compromised as this caused the trailer to lean right with about a 2" difference between the trailer tires and frame left side to right and the air bags were shifted right.

This is a violation in the FMCSR's under 393.100 (c) but OOSC, Part II, Item 2. a. General Cargo Securement only lists and OOS condition for 393.100 (b) if items can fall to the roadway. I believe that when there is evidence that the cargo has shifted and caused an instability in the vehicle, an imminent hazard exists (i.e. imbalance in the suspension or some other condition that shows compromised stability).

JUSTIFICATION OR NEED

This scenario while not common, is an unsafe condition that should constitute an OOS. This was presented in action request 16-007-VEH for a similar scenario and the item closed with no action until more evidence could be obtained. I am not looking to address whether cargo should or should not be secured inside an enclosed trailer as mentioned in the previous action request, but am referring to this scenario were the cargo has already shifted and caused evidence the trailers suspension became unbalanced. Should the vehicle need to take an evasive action it would be at a greater risk of roll over due to the suspension already being compromised to a right side bias due to the weight shift.

REQUEST FOR ACTION

Amend the OOSC, Part II, Item 2. Cargo Securement a. General cargo securement. Make the current statement under "a." to become subpart (1) under "a." and add (2) Articles of cargo or condition of loading which have shifted to such an extent that the vehicle's stability or maneuverability is adversely affected.

SUPPORTING DOCUMENTS/PHOTOS

- [19.jpg](#)
- [18.jpg](#)
- [11.jpg](#)

- [10.jpg](#)
- [8.jpg](#)
- [5.jpg](#)
- [4.jpg](#)
- [2.jpg](#)
- [1.jpg](#)

ACTION TAKEN BY COMMITTEE

It was discussed if language should be added to the Out-of-service criteria to place a vehicle OOS when cargo shift impacts the balance of the trailer. It was determined that going down this path was too broad of an issue and that it would create a lack of consistency for law enforcement to follow due to potential mixed interpretation.

While committee agreed it was not desirable for there to be an unbalanced load, the committee also agreed that quantifying stability would be difficult. No action was taken.