



Cargo Securement Harmonization
Public Forum Agenda
November 26, 2019 – Montreal, Quebec
0830 - 1700
 Revised Date: October 8, 2019

Chair: Jeremy Disbrow
Vice Chair: Terrance Hendricks
Secretary: Marc Studer
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 St. Louis, Missouri – March 31, 2019

 *Attachment 1 – 2019 St. Louis 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 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.



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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. 19-038-VEH: OOSC, Part II, Item 2. Cargo Securement, Tiedown Defect Table - Cordage (Fiber Rope)

Submitted by: Bryce Ivie, Utah Highway Patrol

Summary of Issue

We have had questions from inspectors, as well as debate/discussion with drivers/companies regarding the ability to secure cargo with cordage/rope. The major issue relates to knots, including a slip knot-type attachments and whether using this type of attachment would meet the requirements under 393.112, and be considered "adjustable".



The second issue relates to a tie-down being defective if it contains knots. For example, knots are specifically noted in chains and synthetic webbing, but appear to be allowed for rope due to the following defect description in the OOS Criteria: "Ineffective knots formed for the purpose of connecting or repairing binders." This also ties in to the previous issue of whether a slip knot would qualify as adjustable. This could be interpreted that in order to use rope as an authorized tie-down, a binder or similar device must be used to meet the adjustable criteria?

Justification or Need

Clarification is needed to ensure uniform enforcement by inspectors.



Request for Action

I request that this item be discussed to determine the appropriate uses and guidelines for use of cordage/rope for securement of cargo on/within a CMV. I have attached a few photos for reference of the issue(s).



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7. 19-021-VEH: OOSC, Part II, Item 2, Cargo Securement, p. Roll-on/Roll-off or Hook Lift Containers

Submitted by: Trooper Senior Harold Davis, Alabama Law Enforcement Agency

 Attachment 2 - 2019-XX Securement of Roll-on Roll-off Hook-Lift and Lugger Containers on Vehicles.pdf

 Attachment 8 – Lugger and Roll-on/Roll-Off.pdf

Summary of Issue

Properly securing the rear of a roll-off container on a vehicle not equipped with an integral securement system.

Justification or Need

Clarification different securement methods described in 393.134(b)(3)(i), 393.134(b)(3)(ii), and 393.134(b)(3)(iii). (Rear Securement of Roll-on/Roll-off Containers for vehicles not equipped with an integral securement system). The regulation, as printed, can be confusing and interpreted several different ways by carrier owners, drivers, and inspectors.

Request for Action

I have attached a photograph which depicts the method of securement most-commonly used in Alabama.

(3) Secured to the rear of the vehicle with at least one of the following mechanisms:

(i) One tiedown attached to both the vehicle chassis and the container chassis;

(ii) Two tiedowns installed lengthwise, each securing one side of the container to one of the vehicle's side rails;
or

(iii) Two hooks, or an equivalent mechanism, securing both sides of the container to the vehicle chassis at least as effectively as the tiedowns in the two previous items.

Is the method of securement, depicted in the photo, adequate per 393.134(b)(3)(i)?

Does 393.134(b)(3)(i) require the strap to be wrapped around the chassis of the roll-off container?

Does 393.134(b)(3)(i) require each side of the vehicle to be secured using this method or is one side sufficient?



Another issue related to this issue that has been discussed by this forum is 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.



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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.

There is an issue for the roadside inspector the other issue is what makes the system and “integral securement system” that is required to be determined if the specific commodity section is to be used. It is necessary to determine if the integral system can be completely passive or does it have to have an active element to the system. The manufacturers are relying on the ANSI standard, but the standard does not really give clear direction either.

The regulators need to get more information before they can make the determination. FMCSA agreed to reengage with the manufacturer to determine where the ANSI standard came up with their regulation. If everyone is using this standard, that can be looked at as a “watered down” enforcement standard.

The Regulators Group will provide an update on their progress on this issue and the draft Inspection Bulletin will be reviewed.



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8. 19-014-VEH: OOSC, Part II, Item 2. Cargo Securement - Lugger Boxes

Submitted by: Kirk Sander, National Waste and Recycling Association

 *Attachment 2 – 2019-XX Securement of Roll-on Roll-off Hook-Lift and Lugger Containers on Vehicles.pdf*

 *Attachment 3 – Hold-Down.pdf*

 *Attachment 4 – Lugger-Tie Down Strap to Top of Box.pdf*

 *Attachment 5 – Lugger Pocket and Strap.pdf*

 *Attachment 6 – ANSI-Lugger Securement Draft 19-3-7.pdf*

 *Attachment 7 – Lugger Boxes Guidance 2004-2005.pdf*

 *Attachment 8 – Lugger and Roll-on/Roll-Off.pdf*

Summary of Issue

Enforcement has been placing carriers in many regions out of service for load securement. Some luggers have hydraulically activated tipping/dumping pins on their frames. Some commercial vehicle enforcement units accept using the tipping/dumping pins.

For those who do not have approval to use the pins or do not have pins on their vehicles the ANSI Z245-1 committee assigned a subgroup to come up with a container securement solution.

The subgroup was comprised of at least three lugger manufacturers, container manufactures, and many other individuals representing Safety & compliance, and Operations from Lugger owners/users. A draft document was presented at the last meeting of ANSI Z245-1 Mobile equipment committee on February 18th, 2019. The Z245.1 sub-committee finalized the document for a final vote of acceptance and acceptance of the Federal Motor Carrier Safety Administration and the Commercial Vehicle Safety Alliance.

Justification or Need

There is inconsistent enforcement and understanding of what constitutes proper securement for a lugger truck.

Request for Action

The National Waste and Recycling Association and Institute of Scrap Recycling Industries, Inc ask the Commercial Vehicle Safety Alliance and FMCSA to review the attached securement method as a mitigation solution for proper securement.

There has been some work completed on this issue, and the draft inspection bulletin will be reviewed. The regulators will also report on the status of a potential exemption.



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Open Issue/Request for Action Items

9. 11-043-VEH: Marking and Rating of Tiedowns – Working Load Limit (WLL) on Hooks

 *Attachment 9 - FMCSA 393.108 NACM Chart Petition*

 *Attachment 10 - FMCSA 393.108 NACM Chart Petition Acknowledgement Letter*

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 sent an acknowledgement letter and is processing the petition and will decide whether to grant or deny the petition. If they grant it, this means that they will decide whether to publish a public Notice for Comment. FMCSA will report on the status of this petition.

10. 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.

The regulators worked on draft language for the model regulation in Montreal that will trickle down into NSC Standard 10 and the FMCSRs. This language will make it clear that metal coils transported in sided vehicles with or without anchor points will be able to be secured by adequate blocking and bracing. The regulators were to get together and draft the next revision of the model regulation. They reported that possibly by this meeting but no later than the fall meeting of 2019, they should have revised language for the model regulation referencing this issue and a few others that are on the agenda.

The Regulators Group will provide an update on their progress.

11. 12-033-VEH: NSC Standard 10 - Section 89(2) Accessory Equipment

 *Attachment 11 - FMCSA 393.130 Securing Accessory Equipment Petition*

 *Attachment 12 - FMCSA 393.130 Securing Accessory Equipment Acknowledgement Letter*

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



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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. CVSA petitioned FMCSA to amend the guidance in 393.130 to be consistent with what is in NSC Standard 10 currently. FMCSA sent an acknowledgement letter. In the past, regulatory guidance was not considered the rule, it was only guidance, however, the way the current political climate is in the U.S., guidance receives the same scrutiny as regulation they will request a Notice for Public Comment to suggest the change. FMCSA will report on the progress of this petition.

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- 12. **16-020-VEH: Amend 393.118(d)(3) of the FMCSR’s requiring belly straps on loads over 2 tiers high**
 - 13. **12-010-VEH: Cargo Securement - Dressed lumber or Similar Building Products**

 *Attachment 13 - FMCSA 393.118 Dressed Lumber Petition*

 *Attachment 14 - FMCSA 393.118 Dressed Lumber Petition Acknowledgement Letter*

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.

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.

Mike indicated that FMCSA reached out to the regulators in Canada to see what sort of testing was done in Canada to affect the revision that was made. It was determined that there was no testing done but other issues that caused the amendment. FMCSA will likely draft a notice to the federal register requesting comments on certain aspects of this issue. They are hoping to harmonize with Canada.



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The second issue is for belly straps on tiers that are not the same height. The mixed loads do not always allow for belly straps as they are not always equal from side to side. In some cases, belly straps will make the load less secured than if there were no belly straps present. This may or may not be addressed in the upcoming notice regarding the 6-foot belly strap issue. FMCSA will report on the status of the petition.

New Business

14. Rainwater leaking from garbage vehicles, etc.

 *Attachment 15 – Guidance Regarding Leaking Water, etc.*

Guidance was received from a state in reference to leaking water from refuse type trucks. The guidance will be reviewed to discuss whether it should be included in Operational Policy 15 guidance for all inspectors.

15. Corrugated Pipe Securement

 *Attachment 16 – Cargo Securement Corrugated Pipe.pdf*

 *Attachment 17 – Supporting Documents Corrugated Pipe.pdf*

Oklahoma forwarded these documents to FMCSA as an equivalent means. FMCSA made mention to Oklahoma that they were going to have them carry a copy in the vehicle with them. Discussion on how to notify enforcement on the document and that it is acceptable.
