

Draft Regulations

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Cargo securement standards

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Cargo Securement Standards Regulation, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation revises cargo securement standards for road vehicles to harmonize the standards with those in force in the other jurisdictions in Canada and the United States. It incorporates by reference National Safety Code Standard 10, Cargo Securement, approved on 23 September 2004 by the ministers responsible for transportation and highway safety in Canada, which is harmonized with the American Federal Motor Carrier Safety Administration Regulations that have been in force since 1 January 2004. The draft Regulation also revises the current securement standards for debarked logs and those concerning the covering systems for bulk cargo in open dump trucks.

The draft Regulation will have little impact on transportation businesses, although businesses using vans will be required to comply with the new standards including the standard relating to the use of securement mechanisms inside vehicles to adequately immobilize cargo.

Further information may be obtained by contacting Guy Desrosiers, Ministère des Transports du Québec, 700, boulevard René-Lévesque Est, 2^e étage, Québec (Québec) G1R 5H1; telephone: (418) 643-1345; fax: (418) 528-5670.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Transport, 700, boulevard René-Lévesque Est, 2^e étage, Québec (Québec) G1R 5H1.

YVON MARCOUX,
Minister of Transport

Cargo Securement Standards Regulation

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, 1st par., subpar. 23)

DIVISION I OBJECT AND INTERPRETATION

1. This Regulation governs the securement of cargo carried by heavy vehicles. It also governs the securement of the contents of intermodal containers and containers carried on heavy vehicles. For that purpose, the provisions of this Regulation integrate the provisions of National Safety Code Standard 10, Cargo Securement, published by the Canadian Council of Motor Transport Administrators, available on the website <http://www.ccmta.ca>, as it reads on the date of the shipment.

This Regulation does not govern the securement of cargo transported by farm motor vehicles or farm trailers within the meaning of the Regulation respecting road vehicle registration made by Order in Council 1420-91 dated 16 October 1991 if

(1) the warning sign required by section 274 of the Highway Safety Code (R.S.Q., c. C-24.2) is attached to the rear of the vehicle or combination of vehicles;

(2) the vehicle travels at a speed of less than 40 km/h; and

(3) the cargo is contained against the structure of the vehicle and the structure is strong enough to prevent any horizontal movement or the cargo is secured to prevent such movement.

2. In this Regulation, “operator” means an operator of heavy vehicles within the meaning of subparagraph 2 of the first paragraph of section 2 of the Act respecting owners and operators of heavy vehicles (R.S.Q., c. P-30.3).

Except for the definitions of “driver” and “heavy vehicle”, the definitions and abbreviations in National Safety Code Standard 10, Cargo Securement, apply.

3. A securement system may be considered equivalent to a securement system prescribed by this Regulation if the operator establishes that

(1) it is designed to withstand the forces that result if the vehicle is subjected to 0.8 g deceleration in a forward direction, 0.5 g deceleration in a rearward direction and 0.5 g acceleration in a lateral direction;

(2) it provides a downward force equal to at least 20% of the weight of an article of cargo that is not fully contained within the structure of the vehicle; and

(3) the load on each component of the cargo securement system that reacts to a force referred to in paragraphs 1 and 2 does not exceed the working load limit of the component.

DIVISION II

GENERAL CARGO SECUREMENT STANDARDS

4. Cargo, except bulk cargo, must be secured in accordance with section 9 of National Safety Code Standard 10, Cargo Securement.

Cargo securement systems and their components must comply with subsections 2 and 3 of section 4 and sections 6 and 15 to 18 of that Standard and their strength must comply with the minimum strength requirements prescribed by sections 10 to 12, 14 and 21 of that Standard.

Tiedowns must be used in accordance with sections 13, 19, 20 and 22 of that Standard.

5. The front-end structure of a heavy vehicle must, when used to immobilize cargo, comply with the minimum strength requirements prescribed by sections 23 to 26 of National Safety Code Standard 10, Cargo Securement.

DIVISION III

SPECIAL STANDARDS

6. The special standards in this Division apply in addition to the standards in sections 4 and 5. The special standards prevail to the extent of any inconsistency.

§1. Logs

7. A cargo of logs must be secured in accordance with sections 28 to 40 of National Safety Code Standard 10, Cargo Securement.

Where debarked shortwood is loaded in the upper third of the load without the logs being contained at their ends, the cargo must also be retained by a netting with a mesh size no greater than 100 millimetres that covers the entire load and that extends at least 90 centimetres beyond the parts that are not contained. The netting must be solidly fixed to the deck with tensioned tiedowns attached every 1.20 m or less around the deck.

§2. Dressed lumber

8. A cargo of dressed lumber must be secured in accordance with sections 41 and 42 and section 43 as regards the application of section 44, 45, 46 or 47 of National Safety Code Standard 10, Cargo Securement.

§3. Metal coils, paper rolls and concrete pipe

9. A cargo of metal coils must be secured in accordance with sections 48 to 50, section 51 as regards the application of section 52, 53 or 54, and sections 55 to 58 of National Safety Code Standard 10, Cargo Securement.

10. A cargo of paper rolls must be secured in accordance with sections 59 to 72 of that Standard.

11. A cargo of concrete pipe must be secured in accordance with sections 73 to 82 of that Standard.

§4. Intermodal containers and special containers

12. Intermodal containers must be secured in accordance with sections 83 to 86 of National Safety Code Standard 10, Cargo Securement.

13. Roll-on/roll-off containers and hook lift containers must be secured in accordance with sections 94 to 96 of that Standard.

§5. Transportation of vehicles

14. A cargo of vehicles with an individual weight of 4,500 kg or less must be secured in accordance with section 88 of National Safety Code Standard 10, Cargo Securement or, in the case of flattened or crushed vehicles, in accordance with sections 91 to 93 of that Standard.

A transported vehicle with an individual weight greater than 4,500 kg must be secured in accordance with section 89 of that Standard.

§6. Boulders

15. A cargo of boulders must be secured in accordance with sections 97 to 100 of National Safety Code Standard 10, Cargo Securement.

§7. Bulk cargo

16. Subject to the third paragraph, bulk cargo in a dump truck, container or other type of container whose upper part is totally or partially open must be restrained by a covering system consisting of a tarpaulin, canvas or other type of equivalent covering.

The covering system must cover at least any portion of the load that extends beyond a reference point 15 cm below the top of the lowest wall. It must remain in direct contact with any portion of the load that extends beyond the nearest wall, unless the covering system is maintained above the load by bows secured to the vehicle. It must be exempt from tears or other damage in the section used for securement.

The first and second paragraphs do not apply if

- (1) the vehicle is proceeding across a public highway from a private road;
- (2) the top of the load does not extend beyond the reference point referred to in the second paragraph;
- (3) the load consists only of elements exceeding 40 mm in three dimensions and the three perimeters of the load do not extend beyond the top of the lowest wall;
- (4) the vehicle is applying salt, sand, a mixture of salt and sand or other similar substance in connection with winter road maintenance;
- (5) the vehicle is applying dust suppressants on a road; or
- (6) the vehicle is transporting snow, ice or other similar substance collected during a snow removal operation.

DIVISION IV SECUREMENT INSPECTION

17. The driver of a heavy vehicle must inspect the vehicle's cargo securement in accordance with section 3 of National Safety Code Standard 10, Cargo Securement.

DIVISION V PENAL

18. Every driver who contravenes section 4 or 17 as regards the application of sections 3, 6, 13, 15 and 16 of National Safety Code Standard 10, Cargo Securement, or section 16 is guilty of an offence and is liable to a fine of \$175 to \$525.

19. Every driver who contravenes section 4 or 5, the first paragraph of section 7 or sections 8 to 15 as regards the application of subsections 2 and 3 of section 4, sections 9, 10, 14, 17 to 20, 22, 31, 33 to 40, 42, 44 to 47, 49, 50, 52 to 58, 60 to 67, subsections 5, 6 and 7 of section 68, section 69, subsection 5 of section 70, sections 71, 72, 75, 76, 79 to 82, 84 to 86, 88, 89, 91 to 93, 95, 96 and 98 to 100 of National Safety Code Standard 10, Cargo Securement, or the second paragraph of section 7 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

20. Every operator who contravenes section 4 as regards the application of sections 6, 13 and 16 of National Safety Code Standard 10, Cargo Securement, or section 16 is guilty of an offence and is liable to a fine of \$350 to \$1,050.

21. Every operator who contravenes section 4 or 5, the first paragraph of section 7 or sections 8 to 15 as regards the application of subsections 2 and 3 of section 4, sections 9, 10, 14, 17 to 20, 22 to 26, 29 to 31, 33 to 40, 42, 44 to 47, 49, 50, 52 to 58, 60 to 72, 75 to 82, 84 to 86, 88, 89, 91 to 93, 95, 96 and 98 to 100 of the National Safety Code Standard 10, Cargo Securement, or the second paragraph of section 7 is guilty of an offence and is liable to a fine of \$700 to \$2,100.

22. This Regulation replaces the Regulation respecting standards for the securing of loads made by Order in Council 284-86 dated 12 March 1986.

23. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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