



## MINUTES

### OPERATIONS COMMITTEE MEETING INTERMODAL ASSOCIATION OF NORTH AMERICA

SUNDAY, NOVEMBER 15, 2009  
12:30 p.m. – 2:00 p.m.

ROOM 210 A/B  
ANAHEIM CONVENTION CENTER  
ANAHEIM, CALIFORNIA

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The meeting was convened at approximately 12:35 p.m. by Committee Chairman Barry Michaels, Union Pacific, who indicated a desire to spend as much time as possible on the subject of roadability, urging ample interaction as several items remain open on this issue. Michaels introduced Gerry Bisailon, Union Pacific, as a new committee member succeeding the recently retired Ben Shelton. He also introduced Ted Prince as the new Task Force leader of the Terminal Efficiencies Task Force, also succeeding Ben Shelton. The antitrust guidelines were presented by IANA General Counsel John Bagileo. Roll call was taken and IANA staff member Tom Malloy declared a quorum. Minutes of the April 2009 committee meeting were approved, following a motion by Robert Huffman of Norfolk Southern Corp., seconded by James Shondel of REMPRES LLC.

#### Legislative and Regulatory Update

##### GIER/DVIR Update

Michaels called on Dennis Monts who was brought on board at IANA to advance IANA's Intermodal Information Services efforts which include the GIER, DVIR and ITR initiatives to provide the current status of the projects. Monts said the future of Intermodal Information Services provided by IANA lies in the interconnectivity of its databases. Monts said the key to roadability compliance is the ability to identify the IEP and provide information that enables a driver's electronic signature for completion of the DVIR process. FMCSA has given approval towards GIER qualifying as a fifth marking method, thus supporting IANA's commitment to GIER development. An early adopter program has begun with eight "high-profile" IEP's that account for just over half of the industry's equipment inventory. Plans are to launch GIER in November, in advance of the December 17, 2009 compliance date. **[The GIER system was officially launched on December 9, 2009. Additionally, on December 18, 2009, FMCSA announced the release of several technical amendments and responses to petitions to the final rule among which was the official declaration to include a 5th marking option to identify intermodal equipment. The GIER system complies with the FMCSA criteria outlined for the 5<sup>th</sup> marking option.]**

Regarding the IANA DVIR process, two primary areas of services are: DVIR processing, developed at the request of the IANA Rail Division; and DVIR Web services. Intermodal Rail facility operators envision the process of collecting roadability component defects will happen at the in-gate between the driver and the

facility operator. Monts urged attendees who were interested in learning more specific details about GIER, the DVIR processing or discussion of the regulations to visit the GIER booth on the Expo show floor.

When questioned about any barriers or concerns, Monts said the first concern is getting the equipment into GIER and that it is important, especially for early adopters that test files reconcile with the GIER business standards in order to be correctly activated within the system. Michaels then asked how things are going with OCEMA input into GIER, to which Monts responded that multiple meetings have been held with OCEMA and that several OCEMA members are part of the early adopter program.

## **Roadability Process Update**

### **Railroad Terminal Compliance**

Presenting from the rail perspective, Bisailon reviewed the responsibilities for IEP's and motor carriers which included, IEP registration with FMCSA and securement of a DOT number, the use of existing DOT numbers and acceptance of GIER as the industry database for cross referencing of IEP equipment control numbers with the respective DOT number. He also outlined the expected in-gate and out-gate process and procedures that would be executed by drivers and facility operators. Special emphasis was placed upon the in-gate process with drivers reporting DVIR RCD information and any equipment with a reported defect being placed in automatic hold, until further disposition by the IEP.

Further, Bisailon reviewed the equipment "hold status/deadline" process expected to take place for IEP's who are not having the facility operator receive DVIR information from the driver at the in-gate. Specifically, the process is for the IEP to advise the facility, via an EDI message prior to in-gate, that the equipment is to be placed in "hold" status, with release "from hold" status provided by the mechanical vendor to the IEP, and the IEP advising the facility. He concluded his remarks with a comparison of the specific elements and differences between the DVIR and the DVER recordkeeping requirements and a final review of the regulatory compliance dates and definitions associated with the rules.

Barry Michaels then initiated an open dialogue, inviting members from steamship lines, railroads and motor carrier communities to address several concerns regarding processes. He said there appears to be issues with how IEP's that do not use the rail terminal for DVIR/ RCD collection would advise the facility operator as to the status of equipment that should be placed in hold status. Particular concern was directed towards the IEP providing EDI notice to the facility operator prior to the equipment physically entering a facility. Conversely, there would be issues with information received at the facility after equipment had been received. Michaels asked Frank Mazzella of APL, if he would address this in his presentation to follow.

Michaels then asked several stakeholder representatives what their most critical concerns were with the implementation of how the DVIR process would be executed. In response to a question on the motor carrier perspective, Dave Howland, Schneider National, responded that the biggest concern is not the rail facility process, but rather the obvious difference between the rail and ocean processes wherein motor carriers may find themselves at times doing double-reporting, further complicating the reporting process.

Next, Michaels asked Bob Huffman, Norfolk Southern, about his concerns. Huffman said as a facility operator is that it is critical to have knowledge on the status of the equipment and, if there is a defect that the information has been furnished in an expedited manner and prior to arrival, in order for the terminal operating system to prevent the equipment from being out-gated without the reported defect being addressed.

From the steamship line perspective, Jeff Grahovec, APL, responded that his concern was focused on how the different systems could be tied together to comply with the regulations in the most efficient way possible and to help the drivers understand how each system would work to avoid potential confusion. Both Grahovec and Phil Wojcik, CCM, stated that the steamship line perspective is that all DVIR information should be furnished by the motor carrier prior to the physical arrival at the marine facility.

Michaels asked Bill Mahorney, FMCSA, about the federal enforcement perspective related to when a DVIR is not provided until after a unit is accepted into a facility and then reloaded before a hold order is issued. Mahorney responded that the FMCSA is aware that there are concerns related to any new regulations and that the IEP is responsible for making sure that they have a process in place that prevents equipment that has a previously reported defect, from being operated on a public highway.

### **Marine Terminal Compliance**

Frank Mazzella then presented the liner perspective. He said APL has had numerous internal discussions as well as discussions with other OCEMA members on the subject of roadability compliance. He stated that he does not see many differences between the rail and steamship line processes, but noted that the timeline for compliance is at hand. He said all parties are pursuing the same objectives, including: Compliance with regulations; meeting timelines (noting OCEMA's formal petition to delay portions of the DVIR and DVER compliance requirement); minimizing the need for additional or new hardware and software for each IEP or facility; minimizing additional work and costs for all parties; standardizing the DVIR receipt process; and minimizing congestion around gates. **[Subsequent to the meeting, on December 18, 2009 the FMCSA granted OCEMA's petition to delay the DVIR/ DVER portion of the regulations until June 30, 2010.]**

Mazzella outlined the Marine Terminal DVIR process, including steps through which the driver or dispatcher files an electronic DVIR and the recently developed DRS (DVIR Reporting System); and communicates the defect report via EDI or e-mail to the IEP, facility operator and maintenance provider. Further, he said that, at APL, an internal system is now being built that focuses on getting DVIR's into the terminal management system to assist operations management personnel.

Michaels commented that only 32 days remain before implementation, and communication with motor carriers is imperative to let them know how the respective processes will function. He said there is a "large divide" regarding what procedures will be used by facility operators, adding that he does not believe it is acceptable for paper reports to be furnished. Mazzella concurred and stated that eliminating receipt of hard copy DVIR's would reduce delays at the gate and reduce the need for additional resources.

Michaels then asked if there were any questions from the members. Marcia Custer of GE Intermodal Services asked Malloy if piggyback trailers are included in the roadability regulations. Malloy responded that FMCSA's Mahorney said at a meeting earlier in the day that closed van trailers were not included. Mahorney then confirmed that FMCSA would clarify what specific equipment was included in the regulations **[Subsequent to the meeting, FMCSA has formally declared that closed van trailers used in intermodal service are not covered by the roadability regulations. Reference the FMCSA IEP Frequently Asked Questions number's 28, 29 and 30; that have been posted to the FMCSA Web site to reflect the FMCSA position.]**

Janice Schaub, BNSF Railway, asked Malloy if motor carriers will know to whom to send DVER's after receiving them from law enforcement agencies. Malloy stated that each IEP is required to have a system to receive DVER's from motor carriers and the IEP would be required to advise the motor carriers of their process. Further, he said the ability to determine the proper IEP would be answered quickly via GIER, as motor carriers would be able to access the system for individual IEP lookups via the internet. Malloy reiterated that it is up to the IEP to provide DVER procedures to the motor carriers they do business with.

Michaels thanked all for their participation in the discussion, summarizing that everyone has a lot of work to do before Dec. 17, 2009.

### **California Air Resources Board (CARB) Update**

Due to time constraints, this agenda item was deferred, with Michaels saying he would make himself available to answer any questions on the topic.

### **Task Force Updates**

#### **UMLER File Update**

The Task Force report was offered by Bisailon, who expressed concerns about "non-specified" car type codes in UMLER where double stack cars were not properly classified. He said getting UMLER files correct and updated will provide additional validation for properly loading cars with compatible container equipment. Also, it will provide the additional benefit of eliminating "ghost" UMLER systems. A timetable has been set for meeting the objectives outlined by the UMLER Task Force, with a goal to have updates completed by August 2010.

#### **Terminal Efficiencies**

Due to time constraints, Ted Prince furnished a much abbreviated Terminal Efficiencies report which focused on the single topic of proposing a Terminal Efficiency Wiki to handle collection and sharing of information. Prince explained that a Wiki would create a data repository for browsing and searching information and enable numerous parties to contribute and share information. Further, he compared the differences between Wiki's and blogs and suggested that a private Wiki, which would pre-approve select contributors, should be considered for a pilot project. Prince proposed establishment of a subcommittee to look at Wiki-related technology and ultimately move this concept to other task forces and working groups. He said safety and security could be a good area in which to start and sought support and participation of volunteers.

Michaels asked if anyone was opposed and, hearing no opposition, solicited and received volunteers. Additional volunteers included Tom Kelly, BNSF, Ed McQuillan, RMI and Mike Thomas, Trinium Technologies. **[Note: Price's complete presentation is available via the IANA Web site, Operations Committee section.]**

### **AAR Intermodal Operations Subcommittee**

Tom Kelly, BNSF, made the AAR Intermodal Operations Subcommittee presentation in place of Paul Dean, Norfolk Southern, who was unable to attend. Kelly said the matter of greatest interest is revision to RP-931 which presents guidelines for installation of anti-hook plates for intermodal trailers. Additionally, a

semi-automatic IBC is being tested and initial reports are favorable. Also to be addressed are lift-pad locations for intermodal trailers, as well as the physical positioning of trailer glad hand units. Kelly advised that the IOOSC is reviewing the Intermodal Interchange Rules and adjusting the J1 and J2 forms to support the new roadability regulations. He stated that a redline copy of the Interchange Rules would be provided to subscribers and IANA for review.

### **Next Meeting/Adjournment**

The committee's next meeting is set for Wednesday, May 5, in Oak Brook, Ill. There being no further business, this meeting, following a motion by Prince, seconded by Kelly, was adjourned at 2:10 p.m.