MEETING MINUTES

THE INTERMODAL ASSOCIATION OF NORTH AMERICA
INTERMODAL SAFETY COMMITTEE

Sunday, September 16, 2018
1:00 p.m. to 3:00 p.m.
Long Beach Convention Center, Regency Ballroom ABC

Call to Order

The meeting was called to order at 1:01 p.m. by Committee Chairman Fred Marsicano, ContainerPort Group. Vice Chairman Vernon Prevatt of CSX Transportation gave the safety briefing. James Morrow, IANA staff, conducted a roll call. A quorum was present. IANA General Counsel Marc Blubaugh provided the anti-trust guidelines.

Educational Presentation – OSHA Overview

James Wulff, deputy regional administrator, Occupational Safety and Health Administration, described the federal agency’s mission, activities, available assistance and specific information related to freight transportation.

He said the agency depends on organizations such as IANA to achieve improved workplace safety and to reduce fatalities and injuries.

Mr. Wulff said there are both federal and state OSHA activities. State programs and activities must be equivalent to or “tougher” than federal requirements. Approximately 75,000 workplace safety inspections are completed annually by OSHA and state inspectors. State agency regulations for occupational safety and health take precedence over federal rules. Federal regulations are applied if there are no state standards.

He further noted OSHA has several federal funding programs with the states:

1. 23G funding, which is a 50/50 federal/state split.
2. 21D funding, which is a 90/10 federal/state split. This funding is provided for consultative purposes.

There are also several thousand transportation and warehousing inspections completed annually. In those industries, the most frequent violations discovered typically are related to hazard communication, defect or misuse of trucks, respiratory incidents and fall protection. Mr. Wulff further went on to discuss the OSHA safety data regarding mishaps and injuries, and what they are seeing on a national basis.

He also noted the agency maintains a whistleblower program. Between 15 and 20 percent of the complaints relating to this program are in the railroad and trucking industries.
He also informed attendees about various OSHA safety campaigns, where to obtain training, as well as outreach and educational materials, including internet availability, and encouraged IANA to get involved. They also have national emphasis programs throughout the year, indicating that currently these programs are related to trenching, amputations and chemical processing facilities. He noted their regions also have emphasis programs.

Mr. Wulff was asked where OSHA updates are available. He advised they are available on their website at www.osha.gov and through phone service at 1-800-321-6742. They also have a FAQ on their website, which can be found at www.osha.gov/OSHA_FAQs.html.

IANA staff member Steve Keppler asked whether OSHA information (such as pictures, etc.) can be used by external parties for other purposes. Mr. Wulff said OSHA materials generally are not free/open source, and advised to contact their communications office in Washington should any information wish to be repurposed.

**AAR Intermodal Committee Update**

Chad Peterson, BNSF Railway, provided an update from the Association of American Railroads Intermodal Committee, which he chairs.

He said AAR had two separate committees relating to intermodal prior to 2018, which now have been merged into one. He related that AAR information is available for no charge to IANA members about interchange, appropriate repair procedures, job codes, condition codes and other data. AAR’s Intermodal Interchange Rules manual that includes all of this information will be updated in 2019, and can be found at www.aar.com/standards/IntermodalOperations-interchange-rules.html. The manual covers all equipment which is designed for use in TOFC/COFC Service, including trailers, containers and chassis.

He said initiatives that are underway include the continued use and servicing of multi-piece rims on chassis, due to safety issues. AAR is contemplating discontinuing the servicing of multi-piece rims on rail property, in the future. He recognized IEPs who are updating chassis with single piece rims, which are safer, though hundreds of thousands of older chassis with multi-piece rims are still in service. Mr. Peterson urged the committee to address the issue.

Mr. Peterson was asked about what time frame is envisioned for the industry to effect the necessary changes needed on chassis with multi-piece rims. He indicated it is believed this range is from three to seven years.

Mr. Peterson further noted that safety enhancements on rail car designs to assist ground personnel are under consideration by the committee.

AAR is also considering a safety “circular” and maintenance advisory system for rail cars that could potentially be applied to chassis, containers and trailers. Mr. Keppler asked for more information about AAR’s safety circulars, which Mr. Peterson indicated he will provide.

**FMCSA Update**

Darrell Ruban, regional field administrator from the Federal Motor Carrier Safety Administration (FMCSA), said the agency’s top issues currently are electronic logging devices and hours of service. He said he believes there will be further steps needed at the agency and by industry to convert fully to ELDs before December 2019, since many devices in use now are AOBRDs. He
mentioned the HOS rules didn't change. What changed was the requirement to use an ELD device.

Since April 1, less than one percent of roadside violations were related to ELD requirements. HOS violations have dropped about 50 percent in the first half of 2018 compared with the same 2017 period. He also noted there has been a greater attention to shipper awareness of encouraging safe practices.

He updated committee members about potential changes to the HOS rules that are being considered by the agency, including the short haul exemption, definition on adverse driving conditions, split sleeper berth and the 30-minute rest break. FMCSA plans multiple listening sessions in association with this process.

He said in the 2018 fiscal year, 12 IEP investigations were conducted. There is still a progression of improvement for the last year or two. There are still basic common violations being identified relating to process breakdowns. He said the agency appreciates the improvement in equipment condition, but there is more to be done. Of the 12 inspections, three resulted in enforcement actions and three with comprehensive safety plans. One investigation found no vehicles that were put out-of-service, but another had 75 percent that were.

Mr. Ruban added that the OOS rate has declined due to higher quality of work done by intermodal participants. Mr. Ruban said they recently conducted an outreach and enforcement activity in Savannah, Georgia. The participants were federal personnel, states, motor carriers, IEPs and drivers. It included a broader range of highway safety activity since this area has the state’s second-highest crash rate. One motor carrier was responsible for 30 percent of crashes in the area.

Committee Work Plan

Mr. Marsicano described the process the committee has used for identifying priority items. Through a webinar and survey, committee members were asked to prioritize the top three to five items. The top priorities that were identified and selected for the initial work plan were: an online safety resource library; recommend practices to improve safety culture; a vendor safety handbook; and a monthly safety briefing report.

Mr. Marsicano noted the purpose of the safety resource library is to share helpful information and resources among members. The intent is to complete work on the resource library within 18 months and make it available through a web-based portal. It would include safety solutions, job aids, educational resources and related content. The library would provide a user-friendly approach to compiling and sharing the information.

A motion was made by Jeff Brashares, SunteckTTS, to create the Intermodal Safety Resource Library Task Force. It was seconded by Ted Prince, Tiger Cool Express. The motion was approved, contingent upon a charter and work plan being drafted and approved by the committee. Next steps are to identify a task force leader and members, draft a charter and create a production schedule.

Vice Chairman Greg Barker, Ports America, discussed creating recommended practices for improving safety culture within intermodal stakeholder companies that would help to create consistent messages and identify areas of improvement by sharing information about successful practices. He noted the audience and beneficiaries would be all IANA members.
working in the operational environment, and their engagement is important. The goal would be to develop and disseminate recommended safety practices, using webinars and other communications tools, and to complete the recommended practices in 18 months.

A motion to create the Intermodal Safety Culture Task Force was made by Gary Cornelius from TCW and seconded by Felix Castillo from TTX. The motion was approved, contingent upon a charter and work plan being drafted and approved by the committee. Next steps are to identify a task force leader and members, draft a charter and create a production schedule.

Mr. Prevatt described the goals for creating a vendor safety handbook. The handbook would be designed for use by all parties involved in operations at intermodal terminals, including vendors and management. He described how a similar handbook was developed by IANA’s Standard Industry Safety Rules and Procedures at Intermodal Facilities Task Force (as part of the Operations Committee) for drayage carriers and drivers, which now is available on IANA’s website.

He noted that by focusing on how the facilities function, there are opportunities to take the best of what is being done and help the industry through creation of the handbook. The timeline for completion is 18 months.

A motion to create the Vendor Safety Handbook Task Force was made by Gerry Bisaillon, Union Pacific. It was seconded by E.J. Bronwasser, Milestone Equipment Holdings. The motion was approved, contingent upon a charter and work plan being drafted and approved by the committee. Next steps are to identify a task force leader and members, draft a charter and create a production schedule.

Mr. Marsicano said the committee goal was to keep momentum going, including steps such as a committee webinar within 60 days to discuss further steps and identifying leaders of each task force.

Mr. Keppler described the potential process of creating a monthly safety brief, which would be composed of timely and actionable information provided by members and intended to foster collaboration and positive safety behaviors. The goal would be to distill safety operations-related information, which would be reviewed/screened by members before sending. A draft newsletter template has been developed. Next steps will be to identify members from each stakeholder group to establish the editorial criteria and content scope for reviewing and curating the information to be included in the briefs.

Mr. Keppler said that persons interested in participating on any task forces should contact the committee leadership and/or IANA staff.

**New Business**

Mr. Marsicano opened the floor for the discussion of new business.

Mr. Brashares observed that the railroads appear to have abdicated their responsibility for chassis safety by redirecting that responsibility to the driver, who should not have to have that responsibility. Mr. Marsicano said he believed the matter Mr. Brashares raised could possibly be addressed by at least two task forces. Mr. Bisaillon said his railroad isn’t abdicating the responsibility. He said the responsibility is a mutual one and is shared. Mr. Marsicano noted the
committee leadership will discuss this item with IANA staff to see if there is any role for the committee on this issue.

**Safety Intelligence Discussion**

Mr. Keppler reviewed the most recent FMCSA inspection data for intermodal equipment. He described that in the first half of 2018 there were more than 15,000 roadside inspections done. He noted that at that pace, if it continues through the remainder of 2018, would be the most completed since IANA has been monitoring the data.

He further noted that in the first half of this year, only 25 percent of inspections had any type of violation, an improvement over the past five years. New York had the highest OOS rate, while Virginia had the lowest OOS rate, followed by California. The OOS rate nationally was 10.68 percent during the period, a dramatic improvement over the full year totals from 2013 through 2017. Mr. Keppler further reviewed the top 10 violations and OOS violations relating to motor carriers and IEPs.

Mr. Prince asked whether there is specific information for domestic or international chassis. He was told the information is available but has not been compiled yet, and it will be shared in the future.

Mr. Prevatt went on to discuss how the Standard Industry Safety Rules and Procedures at Intermodal Facilities Task Force previously had compiled and classified intermodal facility mishap information, and how the recommended practices were created. The incidents generally were limited, he said, to approximately one incident per 30,000 gate transactions.

Mr. Prevatt further described the template that was created for data collection, with it having the flexibility to accept information from multiple sources. He noted that a webinar will be scheduled for the committee to review the template and to discuss recommendations with respect to future data collection and analysis.

**Additional FMCSA-Related Information**

Mr. Keppler asked if there is a plan to do more data analysis of the ELD rule’s effects on safety and crashes. Mr. Ruban said yes, noting Congress was interested in this information.

Paul Tamburelli of Transportation Compliance and Safety Group offered more details about the results of the FMCSA-sponsored Savannah, Georgia event, noting there were 77 state troopers involved and 955 Level 1 inspections completed at the port. Of these inspections, 141 commercial vehicles and 62 drivers were placed out-of-service. Six arrests were made. A total of 957 warnings and citations were issued.

A motion to adjourn was made by Mr. Barker, and seconded by Mr. Cornelius.

The meeting was adjourned at 2:59 p.m.