

**CHAPTER 10**  
**CARGO SECUREMENT**  
**REVISED FEBRUARY 2025**  
**TABLE OF CONTENTS**

<u>SCOPE</u> .....	10-3
Application .....	10-3
General.....	10-3
<u>BALED HAY AND STRAW</u> .....	10-4
Background .....	10-4
Applicability.....	10-5
Enforcement .....	10-5
<u>TRANSPORTATION OF TOMATOES</u> .....	10-5
Spillage of Juice and/or Tomatoes from Vehicles Transporting Tomatoes .....	10-5
Enforcement .....	10-6
<u>LOADS TRANSPORTED TO DUMP SITES</u> .....	10-6
Enforcement .....	10-6

THIS PAGE INTENTIONALLY LEFT BLANK

**CHAPTER 10**  
**CARGO SECUREMENT**

1. SCOPE.

a. Application.

(1) This chapter contains guidance and reference material for the securement of cargo.

(2) This information applies to vehicles described in Section 34500 of the California Vehicle Code (CVC).

b. General.

(1) Authority and Requirements. Requirements governing the safe loading of vehicles are contained in Title 49 of the Code of Federal Regulations (CFR), Part 393, Subpart I, pursuant to Sections 24002(d), 34500.3, and 34500.7 CVC. The inspection of any vehicle suspected of size, weight, or loading violations is authorized by Section 2802(a) CVC, and the authority to require reloading or removal of an unsafe load is found in Section 2803(a) CVC.

(2) Binder Requirements. Binders are considered an adjustable means of securement pursuant to Title 49, CFR, Section 393.112. Size requirements for a binder specified in cargo securement regulations are the minimum permitted for the type and grade stated. A binder of the required type of a greater working load limit may be used to satisfy the minimum requirement.

NOTE: Although it is a common industry practice, a binder tightener does not need to be “chain-wrapped” or use a locking wire to be considered secured for the purpose of preventing the unfastening of the device. There is no requirement in regulation mandating a binder tightener device to be secured in this manner.

(3) Out-of-Service Criteria. Vehicles carrying cargo not secured in accordance with Title 13 of the California Code of Regulations (CCR), Section 1239, and as prescribed in Title 49, CFR, Part 393, Subpart I, or using binders that are not authorized, shall be placed out-of-service. Drivers may be directed to a suitable location to correct the violation if, in the officer’s opinion, the method by which the cargo is secured is not an immediate safety hazard.

(4) Mixed Loads. When a regulated commodity is carried on a vehicle with another commodity which is not regulated, the regulated load is subject to all cargo securement regulations applicable to the commodity. When more than one type of regulated commodity is carried, each is subject to the loading requirements for the commodity.

(5) Citing Instructions. Enforcement documents charging a violation of any loading regulation shall show the applicable section of Title 49, CFR, Part 393, Subpart I. Examples include, but are not limited to, the following:

(a) Section 24002(d) CVC, driver failing to properly secure cargo, wooden fencing planks/posts unsecured and hanging off load area of vehicle.

(b) Section 34500.3 CVC/Title 13, CCR, Section 1300, logs not secured pursuant to Title 49, CFR, Section 393.116.

(c) Section 34500.7 CVC/Title 49, CFR, Section 393.100(b), cargo not secured to prevent falling from vehicle.

## 2. BALED HAY AND STRAW.

a. Background. Baled hay and straw are not currently covered by a commodity-specific rule under the Federal Motor Carrier Safety Regulations and, as such, are typically secured in accordance with the general cargo securement requirements outlined in Title 49, CFR, Part 393, Subpart I.

(1) In response to concerns raised by industry representatives, the Federal Motor Carrier Safety Administration (FMCSA) issued a “Technical Review of Industry Cargo Securement Practices for Baled Hay and Straw.” A copy of this document may be viewed on the following web page: <https://www.chp.ca.gov/CommercialVehicleSectionSite/Documents/TechReviewHayStraw.pdf>.

(2) Based on the test evaluating the adequacy of long-standing practices concerning the securement of baled hay and straw, the FMCSA concluded that, while these industry practices do not meet the general cargo securement requirements specified in Title 49, CFR, Part 393, Subpart I, use of the securement methods, under specific conditions outlined in the Technical Review, met the “equivalent means of securement” provisions of Title 49, CFR, Section 393.102. The exemption document may be viewed on the following web page: <https://public-inspection.federalregister.gov/2024-24446.pdf>

b. Applicability. Loads of baled hay and straw should be considered to meet the “equivalent means of securement” requirements in Title 49, CFR, Section 393.102, provided the following conditions are met:

(1) The regulations apply to the transportation of baled hay and straw carried on flatbed vehicles and trailers, with the following exception:

(a) Loads of bales that are secured according to the conditions of the FMCSA Technical Review are exempt from the aggregate working load limit requirements of Title 49, CFR, Section 393.106(d).

(2) Loads of bales that are not unitized by a longitudinal tiedown shall be transported in accordance with the general cargo securement rules of Title 49, CFR, Part 393, Subpart I.

c. Enforcement.

(1) Motor carriers are given the option of complying with the securement methods as outlined in the Technical Review or with the existing cargo securement rules of Title 49, CFR, Sections 393.100 through 393.114. Combinations of securement methods are prohibited.

(2) It is incumbent upon enforcement personnel to determine if securement requirements are met on a given load. If the securement methods on a load of hay or straw do not comply with the provisions of the Technical Review, nor the provisions as outlined in Title 49, CFR, Part 393, Subpart I, proper enforcement action should be taken. Enforcement personnel should not issue citations for violating Title 49, CFR, Section 393.102(c), and should cite for a violation of the most applicable section of the general securement requirements of Title 49, CFR, Part 393, Subpart I.

### 3. TRANSPORTATION OF TOMATOES.

a. Spillage of Juice and/or Tomatoes from Vehicles Transporting Tomatoes.

Spillage of tomatoes, tomato juice, and other than clear water on the highway from trucks designed for or transporting bulk tomatoes is a violation of Section 23114 CVC. Officers observing such violations shall take appropriate enforcement action. Such spillage usually results from:

(1) Improper closing and securement of the doors or drain hoses on the bins of the transporting vehicle.

(2) Defective gaskets or loss of gaskets or portions of gaskets around the doors, cracks or holes in bins, or missing drain hoses.

(3) A failure to remove vines or other foreign material from between the door and gasket prior to closing doors.

(4) A failure to remove tomatoes from exterior portions of the vehicle prior to entering the highway.

b. Enforcement. The principal enforcement document for vehicles in violation of Section 23114 CVC, when transporting bulk tomatoes, shall be the CHP 215, Notice to Appear.

(1) Document Issuance. The cause of the violation will determine whether the CHP 215 should be made out to the driver or issued under the provision of owner's responsibility. Mere evidence of a leak or spray (moisture on vehicle) does not constitute a violation. The officer must actually observe obvious leakage or spray while the vehicle is on the highway.

(2) Enforcement action shall be taken against the driver when the evidence substantiates that such spillage is the result of driver negligence, such as failure to remove excess tomatoes from frame rails or other exterior portions of the vehicle prior to entering the roadway, or when the driver fails to close and secure bin doors properly, allowing stems or other foreign matter to remain between the doors and gasket causing a leak.

NOTE: At no time shall the door of a loaded tub be opened for the purpose of correcting a leak on the roadside.

#### 4. LOADS TRANSPORTED TO DUMP SITES.

a. Enforcement. In an effort to address the serious problem of spilled items along highways and to reduce traffic hazards falling from vehicles, enforcement personnel should engage in proactive enforcement of load-covering devices (e.g., tarps) for cargo being transported to dump sites. However, vehicles transporting large items of solid waste (e.g., chairs, desks, refrigerators) to a dump site shall not be cited for failure to have the load covered.

NOTE: Prior to taking enforcement action, enforcement personnel shall consider the elements of Sections 23114 and 23115 CVC.