

## Container Weight Regulations

<b>ISSUE TYPE</b>	Legislative	<b>KEY DATES</b>	Oct. 28, 1992 – President Clinton signs the Intermodal Safe Container Transportation Act into law
<b>AGENCY</b>	Congress/IMO/USCG/ State Agencies		Oct. 11, 1996 – President Clinton signs a bill amending the Intermodal Safe Container Transportation Act into law
<b>STATUS</b>	Active/Tracking		
<b>DIVISION IMPACT</b>	All		
<b>INTERESTED PARTIES</b>	All	<b>MOST RECENT ACTION</b>	July 1, 2016 – Amended IMO SOLAS VGM requirements take effect

### Summary

In recent years, an increased demand for goods has exacerbated supply chain congestion across the transportation industry. Simultaneously, the U.S. has experienced an increase in overweight and misreported containerized cargo, which can have significant safety and operational implications. Both international and domestic regulatory entities have taken steps over the past decades to regulate container weights.

Following several accidents due to unbalanced containers, the International Maritime Organization (IMO) in 2016 implemented amendments to its Safety of Life at Sea (SOLAS) Verified Gross Mass (VGM) requirements. Under the new requirements, the shipper listed on the bill of lading must verify the gross mass of containerized cargo before it may be loaded on a ship. The IMO previously required the weight of a container to be documented, however, the updated VGM requirements sought to further prevent misdeclaration by requiring the information also be verified.

Shippers are responsible for providing and communicating the VGM of cargo containers, though terminals and carriers are expected to refuse cargo that is overweight, incorrectly documented, or lacks the necessary documentation. It is the responsibility of enforcement agencies to ensure VGM requirements are met, and penalties are issued for noncompliance.

VGM requirements are global regulations enforced by the IMO, but it is the responsibility of individual governments to implement the provisions. When a government accepts an IMO Convention, it agrees to adopt the measures and enforce it in its jurisdictions. The U.S. Coast Guard is responsible for enforcing SOLAS compliance for U.S.

export shipments, however, the agency does not have enforcement authority over imported containers.

Separately, container weight in the U.S. is regulated by the Intermodal Safe Container Transportation Act of 1996. This law requires the person tendering a container for intermodal transportation with a gross weight over 29,000 pounds to certify to the first carrier the cargo's actual gross weight, contents of the container, certifying party, container number, and the date of certification.

Carriers and their agents, brokers, customs brokers, freight forwarders, warehousemen, and terminal operators are required to forward the container's certification to the subsequent carrier. The certification requirements do not apply to intermodal containers or trailers containing consolidated shipments loaded by a motor carrier if that carrier performs the highway portion of the intermodal movement or assumes the responsibility for any weight-related fine or penalty. Carriers transferring a loaded container or trailer to another carrier are also exempt from these requirements, unless the carrier is also the entity tendering the container to the first carrier.

The Intermodal Safe Container Transportation Act was originally signed into law in 1992. The amendments enacted in 1996, which govern current container requirements, raised the minimum gross cargo weight requiring a certification from 10,000 pounds to 29,000 pounds; specified the information required within the certification; allowed the certification to be contained within the bill of lading or other shipping document, rather than a separate, hard-copy document; and added provisions requiring intermediate carriers to accurately transfer certification information.

The legislation authorizes states to enforce the requirements, assess fines and penalties for violations, and, if necessary, impound the container until payments have been made.

Should a supply chain entity incur a fine or penalty, the party responsible for inaccurately providing the container certification or inaccurately transferring the information on the certification would be liable for the associated costs. For instance, if a shipper inaccurately reports a container weight, an intermediary carrier incorrectly transfers the shipper's information to the next carrier, or a motor carrier knowingly exceeds highway weight limits, these parties would be responsible for payment of the fine or penalty.

Additional requirements exist for the transportation of containers by truck. Truck size and weight limits on federal highways were frozen by Congress in 1991. Trucks traveling on Interstate highways are limited to gross vehicle weights of 80,000 pounds, though state permits may be obtained for special movements. Additionally, states can establish exceptions to the federal limit – for example, Arizona state law has a 129,000-pound gross vehicle weight limit for certain specified routes.

## Potential Impact to Intermodal Freight Transportation

Following are some potential impacts of incorrectly reported container weight on intermodal freight transportation:

### Impact 1:

The misdeclaration of container weight, whether intentional or by error, can significantly impact the safety of people and goods. Reported container weight is used to determine the placement and stacking of containers on vessels, vehicles, and rail cars, as well as within terminals or container yards. Unbalanced or overweight cargo can result in equipment failure (such as cranes or side loaders), container collapses, and cause ships or heavy-duty trucks to tip over. It increases the risk of accidents and injuries for the intermodal workforce as well as the potential for lost or damaged goods.

### Impact 2:

Weight limit violations can increase costs for supply chain entities and reduce freight capacity and efficiency due to potential fines or equipment repairs in the event of an accident. This can also be time consuming for those not responsible for the error who must track down the liable party.

### Impact 3:

Intermodal transportation entities must navigate various international, federal, and state requirements for container and vehicle weight limits to ensure they meet all necessary legal, safety, and operational standards. Inconsistency in weight requirements and the enforcement of such regulations between states or countries can generate confusion and further challenge compliance.

### Impact 4:

Overweight cargo can cause or exacerbate damage to roads, bridges, railroads, intermodal equipment, and other infrastructure, reducing the overall safety and condition of our nation's infrastructure assets and potentially necessitating expensive repairs.