

FROM THE DESK OF THE CEO (15/18)

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Justin Chadwick 13 April 2018



“A signature always reveals a man’s character – and sometimes even his name” Evan Esar

ROAD TRANSPORTATION OF “HIGH CUBE” ISO CONTAINERS

In late 2009, a serious issue developed when local KZN Road Traffic Inspectors (RTI) identified that so called “High Cube” ISO Containers when transported on the majority of standard South African road trailers were some 200mm to 300mm in excess of the legal height limit of 4,300mm, and began detaining and fining carriers in transgression of the regulation. *(The total height of an ISO High Cube container from base to roof is 2,900mm. In order to comply with regulation 224b, High Cube containers would be required to be transported on road trailers with a maximum load deck height of 1,400mm. $1,400\text{mm} + 2,900\text{mm} = 4,300\text{mm}$)* At the time, these containers were becoming prevalent in global sea transportation and were arriving in South Africa in increasing numbers, it was therefore apparent that some action had to be taken. At a meeting in December 2009 with officials of the Department of Transport and other industry representatives including the Road Freight Association, the Department of Transport agreed to suspend RTI interventions country wide whilst further discussions at Deputy Minister level could be held. As a result of industry meetings in 2011 with the then Deputy Transport Minister Mr. J. Cronin, Minister S. Ndebele issued Gazette Notice No 34621 on the 21st of September 2011. The notice gave effect to a moratorium exempting the operation of vehicles transporting ISO containers from the provisions of regulation 224b (the maximum allowable height of 4,300mm) of the Road Traffic Regulations 2000 for a period of seven years until 31 December 2018.

Since the moratorium was gazetted, there has been ongoing engagement between the Road Freight Association (RFA), the South African Association of Freight Forwarders (SAAFF) and Fruit South Africa (FSA); amongst others, as well as with the Department of Transport. The Department of Transport communicated to Fruit South Africa in 2015 that the regulation would be upheld and enforceable on the expiry of the moratorium on 31 December 2018. During subsequent meetings, the RFA, SAAFF and FSA agreed that there were no practical grounds for the DoT to enforce the regulation because High Cube ISO containers have been transported on South African roads for over 20 years; without [known] incident such as damage to infrastructure due to height or roll over due to instability. The RFA, SAAFF and FSA also agreed that since regulation 224a permits the maximum allowable height of both double decker buses and car carriers to 4,600mm, the regulation should be amended to include and permit ISO containers to be transported to a maximum allowable height of 4,600mm.

In practical terms for the transportation of ISO High Cube containers to comply with regulation 224b, these would be required to be strictly transported on trailers to a maximum height of 1,400mm. It is more common (deemed higher than 80%) that trailers used to transport ISO containers on South African roads exceed the required 1,400mm. Only a few skeletal type trailers are used to transport ISO High Cube containers that have a load deck height of 1,400mm or less. It was deemed necessary to continue to engage with Department of Transport to agree to amend the regulation as above.

During a sitting of the National Assembly on 5 December 2017 the then Minister of Transport was asked to clarify the Departments position on the matter of the moratorium and the carriage of High Cube containers by road. The Minister responded as evidenced below that the provisions of regulation 224b would be upheld at the expiry of the moratorium.

Mr C H H Hunsinger (MP) to ask the Minister of Transport: *With regard to Notice R776 of Gazette GG 34621 of 20 September 2011, which exempted the operation of motor vehicles in the transporting of International Organisation for Standardisation containers, specifically 40ft Hi Cube containers, from complying with the provision of regulation 224(b) of the National Road Traffic Regulations, 2000 under the National Road Traffic Act, Act 93 of 1996, (a)(i) what investigations have been done in this regard and (ii) what are the outcomes of such investigations and (b) what plans does his department have in place once the moratorium expires on 31 December 2018?*

Reply by Minister of Transport: *(a) (i) It was not the role of the Department to conduct any investigation. The reprieve was to allow the operators to procure and ensure that they comply with the provisions of the Act. (ii) Not applicable, falls away (b) The Department is going to ensure that the provisions of legislation is complied with because the industry was given time to ensure that they comply with the requirements of the prescribed legislation.*

SAAFF have since written to Mr Garth Strachan, DDG, Industrial Development, Department of Trade and Industry (DTI). Mr Strachan has requested from SAAFF that an economic impact assessment be submitted by all affected industries to highlight the impact of the enforcement of the regulation upon expiry of the moratorium. FSA are in process of completing a submission to determine the economic impact of the regulation to the fruit export industry, the submission is due to be submitted 30 April 2018. Fruit South Africa’s position on the matter is that the present moratorium be extended for a further three years to allow the following – 1. Sufficient evidence to support the enforcement of regulation 224b given that High Cube ISO containers have been transported on South African roads for many years both under load and empty without known incident, and 2. In the case of above where insufficient evidence can be supported, sufficient time for an amendment of regulation 224a should it be agreed to, and 3. Where it deemed that compliance to regulation 224b is enforceable subject to evidence, sufficient time is granted for trailer manufacturers and transporters to roll out compliant trailer fleets (such that sufficient communication is given to this effect), and 4. Because there has been insufficient communication (since the inception of the moratorium) for trailer manufacturers and transporters to roll out compliant trailer fleets.

Due to the foreseeable economic impact on import/export reliant industries, Transnet, the maritime sector and the South African economy at large, it is critical that a cordial solution is sought to rectify the present circumstance.

For more information kindly contact Mitchell Brooke, Tel: 031 765 2514 or email: mitchell@cga.co.za

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