



REASSESSMENT OF THE RESPONSE TO MARINE SAFETY RECOMMENDATION M94-24

Securing potentially hazardous objects on high-speed craft

Background

In the morning of 06 February 1992, the high speed catamaran passenger ferry *Royal Vancouver* and the British Columbia Ferry Corporation vehicle/passenger ferry *Queen of Saanich* collided head-on off Georgina Point at the northern entrance to Active Pass, British Columbia. The *Royal Vancouver* was extensively damaged and 19 passengers and 4 crew members on board were injured. The bow doors of the *Queen of Saanich* were also damaged.

The Board concluded its investigation and released report M92W1012 on 09 November 1994.

Board Recommendation M94-24 (November 1994)

In order to reduce the severity of injuries and to enhance the survivability to passengers on high-speed craft, the Board recommended that:

The Department of Transport require that procedures be in place to secure luggage, equipment and other potentially hazardous objects in passenger areas of high-speed craft.

TSB Recommendation M94-24

Transport Canada's response to Recommendation M94-24 (February 1995)

The Minister of Transport agrees with the recommendation. The HSC Code makes provisions for safe stowage and security of luggage, galley equipment and stores in passenger spaces. The Code also requires the training and certification of crew members, and the Canadian Coast Guard will ensure that such training includes monitoring of luggage and equipment security in passenger spaces.

Board assessment of the response to Recommendation M94-24 (May 1995)

In May 1994, the International Maritime Organization (IMO) adopted the International Code of Safety for High Speed Craft (the Code); the Code will come into effect in 1996. The Canadian Coast Guard (CCG) is planning to incorporate the Code in Canadian regulations; in the interim, the code will be implemented by the Board of Steamship Inspection decision.

The response refers extensively to the implementation of the new IMO Code of Safety for High Speed Craft to address the Board's recommendation. Staff communication with CCG officials following the response confirms that CCG is proceeding with its plan to incorporate the Code in Canadian regulations.

Given that the deficiencies identified by the Board's recommendations can be dealt with by implementation of the Code, the response is considered **Satisfactory Intent**.

Transport Canada's response to Recommendation M94-24 (April 2000)

Transport Canada (TC) has implemented the HSC Code through a decision of the Board of Steamship Inspection, as is permitted under the Canada Shipping Act. A TC Working Group was previously established to review the HSC Code and recommend any alterations required to address Canadian operating conditions/requirements. TC Marine Safety is now satisfied that the HSC Code addresses the regulatory requirements to ensure the safety of the ship, its crew and passengers.

Board reassessment of the response to Recommendation M94-24 (September 2004)

As of April 2000, Transport Canada implemented the HSC Code through a decision of the Board of Steamship Inspection. However, high speed craft engaged in domestic voyages are not required to comply with the Code but may do so. The Code may also be applied with Canadian modifications, as per Board Decision 5837.

The response is considered **Satisfactory in Part**.

Board reassessment of the response to Recommendation M94-24 (December 2005)

No substantial change to the reassessment of September 2004.

Transport Canada's response to Recommendation M94-24 (November 2006)

TC's update, dated November 2006, provided no new information to address the safety deficiency.

Board reassessment of the response to Recommendation M94-24 (November 2006)

TC's activity update of November 2006 provides no further information than what is contained in its original response and subsequent updates. It is noted the proposed new Marine Personnel Regulations, which were published in the *Canada Gazette*, Part I, on 18 November, 2006. The proposed new regulations define a "high-speed craft" as capable of an operating speed of at least 25 knots and that is built in accordance with the requirements of the HSC Code. However, there is no indication that TC will require vessels such vessels to comply with the HSC Codes provisions that deal with stowage and securing of baggage and stores. Such vessels may comply with the HSC Code, 1994, if they wish. The Code may also be applied with Canadian modifications, as per Board Decision 5837. The action taken will reduce but not substantially reduce or eliminate the deficiency.

Therefore, the assessment remains **Satisfactory in Part**.

Transport Canada's response to Recommendation M94-24 (June 2008)

TC's update, dated June 2008, indicated that high-speed craft engaged in domestic voyages are not required to comply with the HSC Code but may do so voluntarily. The HSC Code may also be applied with Canadian modifications, as per Board Decision 5837. TC will apply the HSC Code to high-speed craft engaged in domestic voyages as part of the proposed Vessel Construction and Equipment Regulations and Standards. Pre-publication in Part I of the *Canada Gazette* is anticipated in Spring 2011.

Board reassessment of the response to Recommendation M94-24 (September 2008)

No substantial change to the reassessment of November 2006. The response continues to be considered **Satisfactory in Part**.

Transport Canada's response to Recommendation M94-24 (November 2009)

TC's update, dated November 2009, indicated that high-speed craft engaged in domestic voyages are not required to comply with the High Speed Code but may do so voluntarily. The Code may also be applied with Canadian modifications, as per Board Decision 5837.

TC will apply the HSC code to high-speed craft engaged in domestic voyages as part of the proposed Vessel Construction Regulations. Pre-publication in Part I of the *Canada Gazette* is anticipated in winter 2011.

Follow-up information provided by TC in February 2010, indicated that proposed Vessel Construction Regulations are currently in development and it is too early to say what specific provisions or Canadian modifications may or may not apply. Specific provisions procedures to be in place to secure luggage and other hazardous objects are not included in the list of Canadian modifications as detailed in BD 5837.

The anticipated date for the pre-publication of the Vessel Construction Regulations in the Part I of the *Canada Gazette* is now March 2012.

Board reassessment of the response to Recommendation M94-24 (July 2010)

It is anticipated that the proposed Vessel Constructions Regulations will replace a number of existing regulations and standards; including the *Hull Construction Regulations*, *Marine Machinery Regulations*, *Hull Inspection Regulations*, and the *Ships Electrical Standard* (TP 127). It is also anticipated that the proposed regulations will apply to vessels of more than 24 metres in length.

TC's update indicated that the HSC Code will apply to high speed craft engaged in domestic voyages as part of the proposed Vessel Construction Regulations, however there is uncertainty at this time as to whether provisions of the HSC Code addressing procedures for securing luggage and other hazardous objects will apply. On the other hand, given the costs associated with operating passenger vessels capable of operating at high speeds, there are fewer vessels in service today and the safety risk is considered low. The assessment of the response, therefore, remains **Satisfactory in Part**.

Consequently, the Board assigned the deficiency file **Inactive** status.

Transport Canada's update concerning Recommendation M94-24 (December 2014)

The proposed Vessel Construction and Equipment Regulations (VCER) will incorporate by reference the SOLAS Convention Chapter X Safety measures for high-speed craft and the construction and equipment chapters of the IMO High Speed Craft Code for new Canadian vessels of more than 24 metres. The VCER will make the HSC Code also applicable to high speed craft on domestic services. It should be noted that the number of high speed craft in Canada is very low and is not expected to increase in the near future. There is currently only one passenger vessel that operates as a high speed craft, the vessel is compliant with the HSC Code through an MTRB decision.

The anticipated date for the pre-publication of the proposed Vessel Construction and Equipment Regulations in the Canada Gazette, Part I is now the end of 2016.

Consequently, on 1 April 2015, the Board assigned this deficiency file **Active** status.

Transport Canada's response to Recommendation M94-24 (December 2015)

There is no change to Transport Canada's response since December 2014.

Board reassessment of the response to Recommendation M94-24 (March 2016)

If fully implemented, the IMO *International Code of Safety for High-Speed Craft* (the HSC Code) will apply to vessels greater than 24 metres in length on domestic services in all Canadian waters. The portions of the HSC Code related to vessel design, construction, and structure, including the furnishing and finishing of the passenger areas, will be applied by the Vessel Construction and Equipment Regulations, but only to new builds.

Since the recommendation was issued, some 20 years ago, there have been only two occurrences (M04L0105 and M09W0147) involving high-speed passenger vessels. Both of these vessels were capable of travelling at speeds in excess of 30 knots but were not required to comply with the HSC Code because they were on domestic services. The TSB could not determine how many other passenger-carrying vessels capable of operating as a high-speed craft as per the HSC Code criteria may be in operation.

TC reported that no high-speed craft carrying passengers are registered as high-speed craft in Canada. There are, however, 10 vessels that were constructed to the standards of high-speed craft and are capable of carrying passengers either commercially or for transport. Of the 10 vessels, 9 are Canadian Coast Guard vessels built to the HSC Code, which includes one built under the DSC Code. The lone passenger vessel which was built to the HSC Code is now registered as a "passenger vessel". There may be other vessels in Canada that meet the criteria of a high-speed craft but are not registered as such.

If a vessel is registered as a high-speed craft, it will be inspected as such because TC has adopted the HSC Code as the standard. However, none of these 10 vessels are registered as

high-speed craft and therefore are not inspected or the crew certified according to the HSC Code. Moreover, all but three are delegated to Class. There have been no reported instances of passenger injury on a vessel built to the HSC Code. The risk is therefore assessed as low based on the number of people these vessels would carry.

Given the risk is low, the reassessment of this response is changed to **Fully Satisfactory**.

Next TSB action (March 2016)

This deficiency file is **Closed**.