



REASSESSMENT OF THE RESPONSE TO MARINE SAFETY RECOMMENDATION M94-28

High speed craft – Operational guidelines and training

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 9 November 1994.

Board Recommendation M94-28 (November 1994)

The crews of high-speed craft must possess the knowledge, qualifications and training consistent with the special features of high-speed craft and that operational guidelines must provide for a safe environment. Therefore, the Board recommended that:

The Department of Transport establish guidelines for the operation of high-speed passenger craft taking into account local operating conditions and the overall navigational infrastructure.

TSB Recommendation M94-28

Transport Canada's response to Recommendation M94-28 (February 1995)

The Minister of Transport agrees with the recommendation. The HSC Code requires that no high speed craft shall operate on passenger service unless it has been issued a Permit to Operate; the Code contains detailed and comprehensive instructions relating to the route-specific requirements to be satisfied before the Permit to operate is issued. In addition, high speed craft must comply with all applicable provisions of the Collision Regulations, particularly Rules 2, 5 and 6.

Board assessment of the response to Recommendation M94-28 (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 recommendation can be dealt with by implementation of the Code, the response is considered **Satisfactory Intent**.

Transport Canada's response to Recommendation M94-28 (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 M94-28 (September 2004)

As of April 2000, Transport Canada implemented the HSC Code through a decision of the Board of Steamship Inspection. The Code addresses type rating certification and it is intended that masters and crew of HSC will be treated identically. HSC "should" not be operated commercially unless a Permit to Operate HSC is issued and valid in addition to the HSC Safety Certificate. However, high speed craft engaged in domestic voyages are not required to comply with the Code but may do so.

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

Board reassessment of the response to Recommendation M94-28 (December 2005)

As of April 2000, Transport Canada implemented the HSC Code through a decision of the Board of Steamship Inspection. The Code calls for the development of technical manuals including a route operational manual and a craft operating manual. The Code also addresses type rating certification and it is intended that masters and crew of HSC will be treated identically. However, high speed craft engaged in domestic voyages are not required to comply with the Code but may do so. The proposed new Marine Personnel Regulations require operators to pass oral and/or written and practical examination on the craft and route in order to obtain a HSC Type Rating Certificate. The proposed action, if fully implemented, will not apply to domestic high speed vessels.

No substantial change to address the safety deficiency since the last reassessment.

Transport Canada's response to Recommendation M94-28 (November 2006)

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

Board reassessment of the response to Recommendation M94-28 (November 2006)

The proposed new Marine Personnel Regulations were published in the *Canada Gazette*, Part I, on November 2006. It is proposed that the new regulations will require high-speed craft type rating certificates, but only for those high-speed craft capable of an operating speed of at least 25 knots and that is built in accordance with the requirements of the HSC Codes. It is also proposed that a practical examination on the craft and route will also be required. Operators of existing and new vessels capable of operating a high speeds and not built in accordance with the HSC Codes will not be required to meet the minimum requirements set out for high-speed craft type rating requirements.

There is no indication TC will require vessels capable of operating at high speeds, other than those that are built in accordance with the HSC Codes, to comply with provisions similar to those contained in the HSC Codes. 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 M94-28 (June 2008)

This incident occurred prior to the adoption of the IMO High Speed Craft (HSC) Code 1996 and the HSC Code 2000. Since then, Canadian HSC have been permitted through the Board of Steamship process to comply with the requirements of the HSC Code, with Canadian modifications, as an alternate to domestic regulations. The Code also addresses type-rating certification and is intended that masters and crew of HSC will be treated identically.

Discussion with TSB indicates that they have expanded the scope of this recommendation to include passenger vessels capable of speeds greater than 25 knots, e.g. Famille Dufour II M04L0105.

The provisions of the HSC Code completely satisfy the intent of the original recommendation. The *Marine Personnel Regulations* requires operators to pass oral and/or written and practical examination on the craft and route in order to obtain a HSC Type Rating Certificate leading to the issuance of a High-Speed Craft (HSC) Type Rating certificate of competency.

Board reassessment of the response to Recommendation M94-28 (September 2008)

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, revised draft dated December 12, 2006, were published in the *Canada Gazette*, Part I. The proposed new regulations broaden the definition of "high-speed craft" to include a Canadian vessel not meeting the requirements the HSC Codes but capable of operating at speeds of at least 25 knots and engaged on sheltered waters voyage or near coastal voyage, Class 2. It is proposed that the new regulations will require high-speed craft type rating certificates for masters and any other officer who may be called upon to have the conduct of the craft. The type rating certificates will specific to the craft and the route on which it operates. The proposed action, if fully implemented, will substantially reduce the deficiency. Therefore, the assessment is considered **Satisfactory Intent**.

Transport Canada's response to Recommendation M94-28 (November 2009)

TC's update, dated November 2009, indicated that it considers that the TSB has expanded the scope of this recommendation to include passenger vessels capable of speeds greater than 25 knots. The provisions of the HSC Code completely satisfy the intent of the original recommendation.

The *Marine Personnel Regulations* requires operators to pass oral and/or written and practical examination on the craft and route in order to obtain a HSC Type Rating Certificate leading to the issuance of a High-Speed Craft (HSC) Type Rating certificate of competency. No further update will be provided.

Board reassessment of the response to Recommendation M94-28 (July 2010)

The *Marine Personnel Regulations* require operators to pass oral and/or written and practical examinations on the craft and route in order to obtain a HSC Type Rating certificate of competency. However, the requirement applies to high-speed craft certified as meeting the requirements of the HSC Code. Operators of Canadian vessels not certified as meeting the requirements of the HSC Code are not required to obtain type rating certificates of competency. However, given there are fewer vessels in service today, the safety risk is considered low. Therefore, the assessment is considered **Satisfactory Intent**.

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

Transport Canada's update concerning M94-28 (December 2014)

TC's update of November 2009 is an accurate reflection of our current position. It is also important to note that currently in Canada there is only one vessel certified as a high-speed passenger vessel.

Consequently, on 01 April 2015, the Board assigned this deficiency file **Active** status.

Transport Canada's response to Recommendation M94-28 (December 2015)

The information provided is still accurate. Only one vessel is certified in Canada as a High-Speed passenger vessel. This vessel is currently operating at a speed of 22 knots. Note that this vessel respect HSC Code 1994 version. Also note that Marine Safety and Security is presently in the process of amending the *Marine Personnel Regulations* and the requirements for the operators to obtain an HSC Rating Certificate will remain unchanged.

Board reassessment of the response to Recommendation M94-28 (March 2016)

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 *IMO International Code of Safety for High-Speed Craft* (the HSC Code) because they were on domestic voyages or 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 and the crew certified 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 recommendation is changed to **Fully Satisfactory**.

Next TSB action (March 2016)

This deficiency file is **Closed**.