

Wadden, Colleen

-----Original Message-----

From: Yeung, To For [mailto:ToFor.Yeung@tc.gc.ca]

Sent: March 09, 2017 8:41 AM

To: Peterson, Greg

Subject: RE: MTRB Request - Passengers on Closed Vehicle Deck

Greg,

Here's the reply. Original letter will be followed in the mail.

Regards,

Capt. John Yeung

Manager, Compliance & Enforcement and Cargo Services Transport Canada / Government of Canada
tofor.yeung@tc.gc.ca / Tel: 604-666-9179 / TTY: 1-888-675-6863

Gestionnaire, Conformité & application des règlements et services de marchandises Transports Canada /
Gouvernement du Canada tofor.yeung@tc.gc.ca / Tél: 604-666-9179 / ATS : 1-888-675-6863

-----Original Message-----

From: Peterson, Greg [mailto:Greg.Peterson@bcferries.com]
Sent: Tuesday, March 07, 2017 8:15 AM
To: Yeung, To For <ToFor.Yeung@tc.gc.ca>
Subject: RE: MTRB Request - Passengers on Closed Vehicle Deck

thanks

-----Original Message-----

From: Yeung, To For [mailto:ToFor.Yeung@tc.gc.ca]
Sent: March 07, 2017 8:14 AM
To: Peterson, Greg
Cc: Jahani, Masoud
Subject: Re: MTRB Request - Passengers on Closed Vehicle Deck

Greg,

We have drafted a response which is now with HQ (Luc/Cedric) for review.

Hoping to send it to you by end of this week.

Capt. John Yeung

Manager, Compliance & Enforcement and Cargo Services Transport Canada / Government of Canada
tofor.yeung@tc.gc.ca / Tel 604-666-9179

Sent from my BlackBerry Q5

Original Message
From: Peterson, Greg
Sent: Tuesday, March 7, 2017 7:59 AM
To: Yeung, To For
Subject: RE: MTRB Request - Passengers on Closed Vehicle Deck

Hi John,

Can you advise on the status of this MTRB request submitted Feb 23. Thanks.

Greg

-----Original Message-----

From: Yeung, To For [mailto:ToFor.Yeung@tc.gc.ca]
Sent: February 23, 2017 1:05 PM
To: Peterson, Greg
Subject: Fw: MTRB Request - Passengers on Closed Vehicle Deck
Importance: High

I acknowledge the receipt of the attached MTRB.
I will forward it to our relevant TC's staff for process.

From: Peterson, Greg <Greg.Peterson@bcferries.com>
Sent: Thursday, February 23, 2017 3:27 PM
To: Myers, Yvette; Yeung, To For; Tewari, Aloak
Cc: Johnston, Darren; Marshall, Captain Jamie; Wilson, Mark; Chowdrey, Makhani; Paterson, Bruce

Subject: MTRB Request - Passengers on Closed Vehicle Deck

Capt. John Yeung;

Please submit an MTRB request (as attached) to Transport Canada's Marine Technical Review Board as per the details herein for the defined VESSEL GROUP. This is a request to continue to allow passengers to have access to the closed vehicle deck while the vessel is underway.

As this matter has been discussed in considerable detail both in the Western Region and in Ottawa, BC Ferries requests that the normal MTRB service standard be expedited so that a decision be issued in the first week of March or sooner.

PROJECT or EVENT

VESSEL

DATE

Regulatory Change

VESSEL GROUP

2017-JAN-20

SUBJECT

Passengers on Closed Vehicle Deck

Cargo Fumigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck

RO

PRECEDENTS

APPLICATION TYPE

DECISION DEADLINE

LR, ABS

MTRB

ASAP

1. EQUIPMENT/STRUCTURAL INFORMATION

VESSEL GROUP: The vessels included in this request for variance are the ro/ro ferries of the BC Ferries' coastal fleet that meet the definition of a having a "closed deck" and operate on routes for which the posted crossing time is 2 hours or less. The vessels included in this VESSEL GROUP are described below by construction group (sister vessels) where applicable, operate in the Straits of Georgia (Salish Sea) and are non-Convention vessels (i.e., are not certified or built for international voyages):

QUEEN OF NEW WESTMINSTER;

C-CLASS (5): QUEEN OF ALBERNI, QUEEN OF COQUITLAM, QUEEN OF COWICHAN, QUEEN OF SURRY, QUEEN OF OAK BAY; **S-CLASS (2):** SPIRIT OF BRITISH COLUMBIA, SPIRIT OF VANCOUVER ISLAND

COASTAL CLASS (3): COASTAL RENAISSANCE, COASTAL INSPIRATION, COASTAL CELEBRATION

SALISH CLASS (3): SALISH ORCA, SALISH EAGLE (registry pending), SALISH RAVEN (registry pending)

An MTRB request for each vessel in the VESSEL GROUP shall need to be prepared from the content of this master VESSEL GROUP request. It is proposed that this VESSEL GROUP request can assist the Transport Canada MTRB Secretariat in expediting the process for all the vessels.

2. BACKGROUND and REASON for REQUEST

Cargo Fumigation & Tackle Regulation section 152 was brought into the statute without consideration for very large passenger and vehicle volumes and very short in berth turnaround times demanded by the service schedules of the British Columbia Coastal Ferry Act. The application of section 152 is not consistently practicable for these crossings of 2 hours or less.

3. REQUIREMENTS of STATUTES, STANDARDS or RULES

Voyage Classification

Near Coastal Voyage, Class 2, Limited Home Trade III

Source

Canada Shipping Act
Cargo, Fumigation and Tackle Regulations SOR/2007-128

Section

Closed Vehicle Decks

152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger
(a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or
(b) is accompanied by a crew member, if there are packaged goods on the deck.

Specific provisions for Variance

"Every passenger shall keep off a closed vehicle deck."

4. PROPOSED ALTERNATIVES - the means of achieving an equivalent level of safety

Description

As a key operational requirement, it will continue to be necessary for passengers to have access to the closed vehicle deck while the vessel is underway.

Risk Mitigation

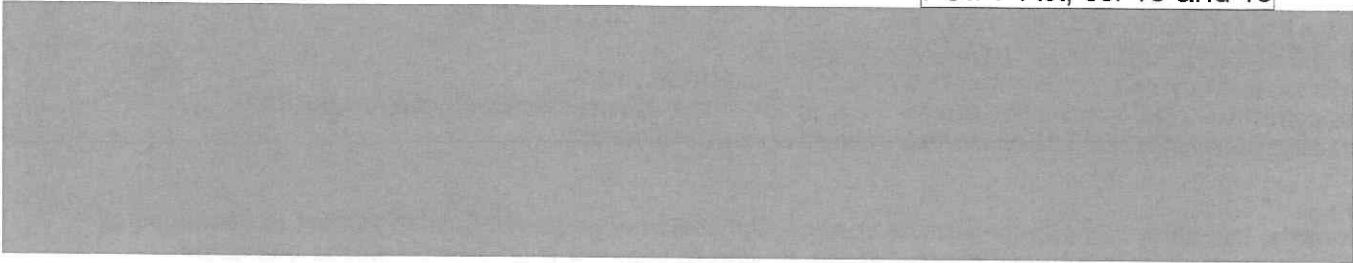
Risks to passengers remaining on a closed deck are:

- * not receiving the safety briefing
- * lack of situational awareness
- * vehicle fire on deck (smoke, toxicity);
- * proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle

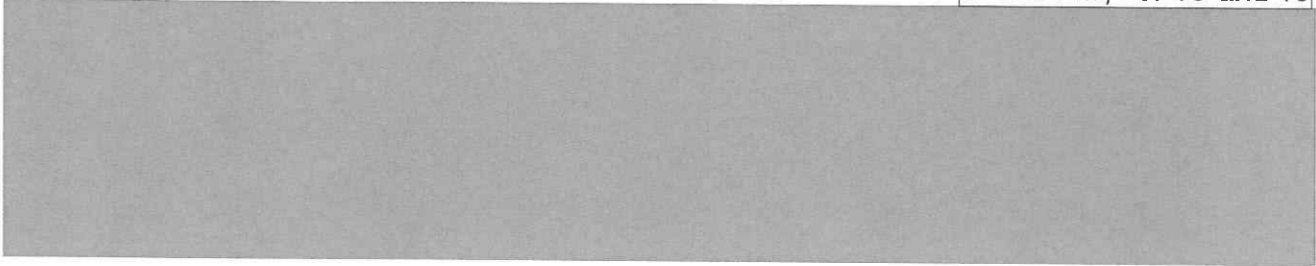
BC Ferries assessment of the risks inherent in the "closed deck" of vessels in the VESSEL GROUP has for many years resulted in vessel procedures and standard features to reduce the risks to ALARP status.

Vessel systems:

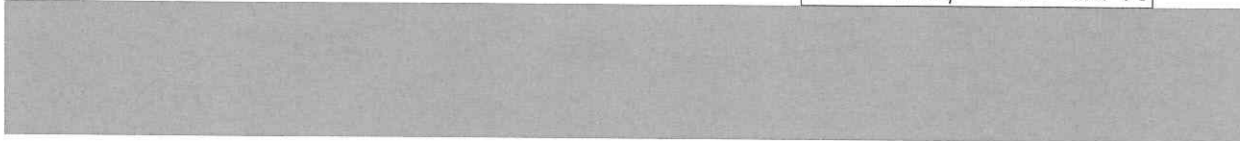
FOIPP Act, ss. 15 and 19



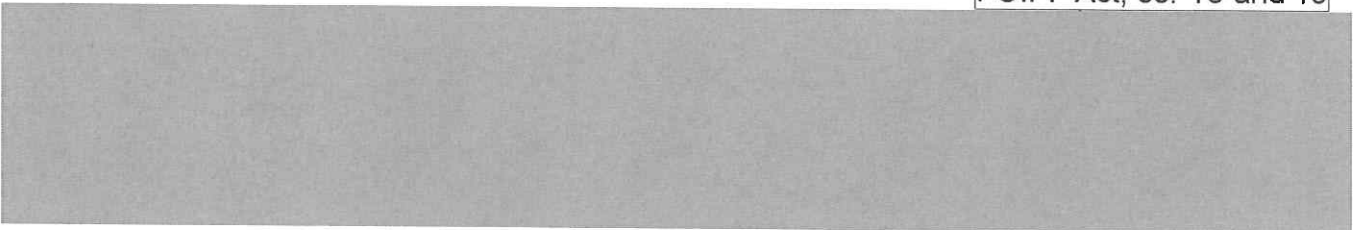
Vessel Procedures:



Passengers Requiring Assistance:



Organizational Support:



5. PROPOSED CONDITIONS - If not met, the alternative ceases to continue in effect

Limitations

The vessel has a "closed deck" and operates on a route for which the posted crossing time is 2 hours or less.

6. SUPPORTING DOCUMENTATION

List of attachments

None

regards

Greg Peterson
Director Engineering Services
Engineering
British Columbia Ferry Services Inc.

12800 Rice Mill Rd, Richmond, BC, V6W 1A1 FOIPP Act, ss. 15, 19 and 22

greg.peterson@bcferries.com<mailto:greg.peterson@bcferries.com>
bcferries.com<http://www.bcferries.com/> | Facebook<https://www.facebook.com/pages/BC-
Ferries/119019564797374> | Twitter<https://twitter.com/BCFerries>

Notice:

This message, including any attachments, is confidential and may contain information that is privileged or exempt from disclosure. It is intended only for the person to whom it is addressed unless expressly authorized otherwise by the sender. If you are not an authorized recipient, please notify the sender immediately and permanently destroy all copies of this message and any attachments.



Transport
Canada

Transports
Canada

Pacific Region
Suite 820
800 Burrard Street
Vancouver, B.C.
V6Z 2J8

Région du Pacifique
800, rue Burrard
Bureau 820
Vancouver, C.-B.
V6Z 2J8

RDIMS Number / Numéro de SDDI
12758804

March 8, 2017

Greg Peterson
British Columbia Ferry Services Inc.
12800 Rice Mill Road.
Richmond, BC
V6W 1A1

Dear Mr. Peterson:

This letter is in reference to BC Ferries' Marine Technical Review Board (MTRB) submission of February 23, 2017 regarding exemption from the *Cargo, Fumigation, and Tackle Regulations (CFTR)* Sec 152 which requires passengers to keep off closed vehicle decks when a vessel is underway. In view of BC Ferries stated intent to implement compliance with the CFTR Section 152 in a phased manner, we do not believe there is a need for an MTRB decision on this matter. At the February 8th meeting with Transport Canada Marine Safety and Security (TCMSS), BC Ferries was in agreement to establish some adequate immediate safety measures to provide for compliance with the requirements of CFTR, s. 152 complemented with certain additional measures during a *phase-in period* as follows:

Immediate measures:

1. Have the ship's crew communicate information to passengers in closed vehicle decks (including informing passengers to contact the crew if there is a need to enter the deck when a vessel is underway); and
2. Make public announcements prior to single-up (including informing passengers to contact the crew if there is a need to enter the deck when a vessel is underway).

Additional measures:

1. Deliver pamphlets highlighting the CFTR requirements to BC Ferries users;
2. Ensure that the access to closed vehicle decks is controlled while the vessel is underway by posting respective warning signs and applying adequate physical barriers (chain, rope, strip, etc.) at access points; and
3. Update procedures in BC Ferries ship's Safety Management System addressing all the measures related to assurance of compliance with the requirements of CFTR, s. 152.

TCMSS finds the above measures satisfactory and appreciates that it may take time for BC Ferries to educate and provide awareness to the public. As BC Ferries is making the effort to comply with the regulatory requirement of CFTR, Sec 152, as described above no enforcement action will be taken by TCMSS on this particular requirement during the phase-in period. TCMSS would expect to review compliance monitoring information from BC Ferries no later than 12 months after the start of the phase in period.

As discussed at the meeting, BC Ferries can contact the *Canadian Ferry Association* in order to seek a pan-Canadian consensus on this issue. With the support of the members of this Association they can send TC a general request for interpretation on the CFTR section 152 requirements. On reception of such request, TCMSS is willing to look at the possibility of drafting a Ship Safety Bulletin in order to provide interpretation on any specific item on the requirement for passengers on a closed vehicle deck.

Yours sincerely,



FOIPP Act, s. 22

John Yeung
Manager, Compliance, Enforcement, and Cargo Services
Transport Canada, Pacific Region

REQUEST FOR DECISION OF THE MARINE TECHNICAL REVIEW BOARD (MTRB)
DEMANDE DE DÉCISION DU BUREAU D'EXAMEN TECHNIQUE EN MATIÈRE MARITIME (BETMM)

DECISION INFORMATION - INFORMATION SUR LA DÉCISION			
Decision number - Numéro de la décision		Proposed expiry date (dd-mm-yyyy) Date d'expiration proposée (jj-mm-aaaa)	
Office - Bureau		Date (dd-mm-yyyy / jj-mm-aaaa)	
VESSEL DETAILS - DESCRIPTION DU BÂTIMENT			
Vessel name - Nom du bâtiment		IMO number Numéro OMI	Official number Numéro de matricule
BC FERRIES "VESSEL GROUP"			File number Numéro de dossier
Vessel type description - Description du type de bâtiment			Year built - Année de construction
Gross tonnage - Jauge brute	Length - Longueur	Passengers - Passagers	Crew - Équipage
			Construction material - Matériaux de construction
Last major modification - Dernière modification majeure			
Power type - Type de propulsion		KW - kW	Screws - Hélices

Voyage limitation - Limite des voyages Near Coastal 2 Sheltered Waters (Horseshoe Bay to Langdale)
Subject - Objet Passengers on Closed Vehicle Deck Cargo Fumigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck
RDIMS nos - request for MTRB decision/background - N°s SDGCI - demande de décision au sujet de BETMM/information connexe
Regulation reference* - Référence réglementaire* Canada Shipping Act Cargo, Fumigation and Tackle Regulations SOR/2007-128 Section 152 (1)
Precedents - Précédents

* All requests must have a reference to at least one regulation under the *Canada Shipping Act, 2001*.

* Toutes les demandes doivent comporter un renvoi à au moins un règlement pris en vertu de la *Loi de 2001 sur la marine marchande du Canada*.

1. Review - Revue

VESSEL GROUP: The vessels included in this request for variance are the ro/ro ferries of the BC Ferries' coastal fleet that meet the definition of a having a "closed deck" and operate on routes for which the posted crossing time is 2 hours or less. The vessels included in this VESSEL GROUP are described below by construction group (sister vessels) where applicable, operate in the Straits of Georgia (Salish Sea) and are non-Convention vessels (i.e., are not certified or built for international voyages):

QUEEN OF NEW WESTMINSTER;

C-CLASS (5): QUEEN OF ALBERNI, QUEEN OF COQUITLAM, QUEEN OF COWICHAN, QUEEN OF BERRY, QUEEN OF OAK BAY;

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COASTAL CLASS (3): COASTAL RENAISSANCE, COASTAL INSPIRATION, COASTAL CELEBRATION

SALISH CLASS (3): SALISH ORCA, SALISH EAGLE (registry pending), SALISH RAVEN (registry pending)

An MTRB request for each vessel in the VESSEL GROUP shall need to be prepared from the content of this master VESSEL GROUP request. It is proposed that this VESSEL GROUP request can assist the Transport Canada MTRB Secretariat in expediting the process for all the vessels.

2. Details of regulatory requirements - Détails des exigences réglementaires

Closed Vehicle Decks

152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger
(a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or
(b) is accompanied by a crew member, if there are packaged goods on the deck.

3. Proposed alternative to the regulation requirement - Solution proposée en remplacement de l'exigence réglementaire

As a key operational requirement, it will continue to be necessary for passengers to have access to the closed vehicle deck while the vessel is underway.

4. Reason why regulatory requirement cannot be met or why alternative proposal is preferable

Raison pour laquelle l'exigence réglementaire ne peut pas être respectée ou pour laquelle la solution de rechange est jugée préférable

Cargo Fumigation & Tackle Regulation section 152 was brought into the statute without consideration for very large passenger and vehicle volumes and very short in berth turnaround times demanded by the service schedules of the British Columbia Coastal Ferry Act. The application of section 152 is not consistently practicable for these crossings of 2 hours or less.

5. Reason why safety and the environment will not be compromised - Raison pour laquelle il n'y a pas de risque pour la sécurité et l'environnement

BC Ferries assessment of the risks inherent in the "closed deck" of vessels in the VESSEL GROUP has for many years resulted in vessel procedures and standard features to reduce the risks to ALARP status.

Vessel systems:

FOIPP Act, ss. 15 and 19

Vessel Procedures:

FOIPP Act, ss. 15 and 19

Passengers Requiring Assistance:

FOIPP Act, ss. 15 and 19

Organizational Support:

FOIPP Act, ss. 15 and 19

6. Potential risks to safety and the environment – Risques possibles pour la sécurité et l'environnement

Risks to passengers remaining on a closed deck are:

- not receiving the safety briefing
- lack of situational awareness
- vehicle fire on deck (smoke, toxicity);
- proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle

7. Proposed conditions² – Conditions proposées²

The vessel has a "closed deck" and operates on a route for which the posted crossing time is 2 hours or less.

RECOMMENDATIONS-REGIONAL PROCESS – RECOMMANDATIONS-PROCESSUS DE LA RÉGION					
Required notifications – Avis requis		Delegated classification society notification required		Grant Accepté	Deny Rejeté
IMO notification required Avis requis à l'OMI <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Avis requis de la société de classification <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non			
Originator – Initiateur		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
TCC manager – Gestionnaire de CTC		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Regional Director – Directeur régional		Signature		Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>

RECOMMENDATIONS-CLASSIFICATION SOCIETY – RECOMMANDATIONS-SOCIÉTÉ DE CLASSIFICATION					
Required notifications – Avis requis		Delegated classification society notification required		Grant Accepté	Deny Rejeté
IMO notification required Avis requis à l'OMI <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Avis requis de la société de classification <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non			
Originator – Initiateur		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Principal Surveyor – Expert maritime principal		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
TCC manager – Gestionnaire de CTC		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Regional Director – Directeur régional		Signature		Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>

PANEL VOTES - HQS PROCESS¹ - VOTES DE LA FORMATION-PROCESSUS DE L'AC²

				Grant Accepté	Deny Rejeté
Member 1 (print name) Membre 1 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 2 (print name) Membre 2 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 3 (print name) Membre 3 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 4 (print name) Membre 4 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Chair (print name) Président (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Chair second vote in case of a tie (print name) Président - deuxième vote en cas d'égalité (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>

¹ Indicate any and all conditions to be attached to this exemption or replacement should the application be granted.
¹ Indiquer les conditions auxquelles la demande d'exemption ou de remplacement devrait être approuvée.

² Striking panels

27.(1) When an application is made under subsection 28(1), the Chair must strike a panel of at least three persons.

Composition

(2) Each panel consists of the Chair and the persons appointed by the Chair.

² Constitution de formation

27.(1) sur réception de la demande visée au paragraphe 28(1), le président constitue une formation composée d'au moins trois personnes.

Composition

(2) La formation est composée du président et des autres personnes nommées par celui-ci.

BC Ferries & Transport Canada

Agenda

Wednesday, October 4, 2017
10:00 am - 12:00 pm
Transport Canada, 10th Fl., 800 Burrard Street
Boardroom 1020

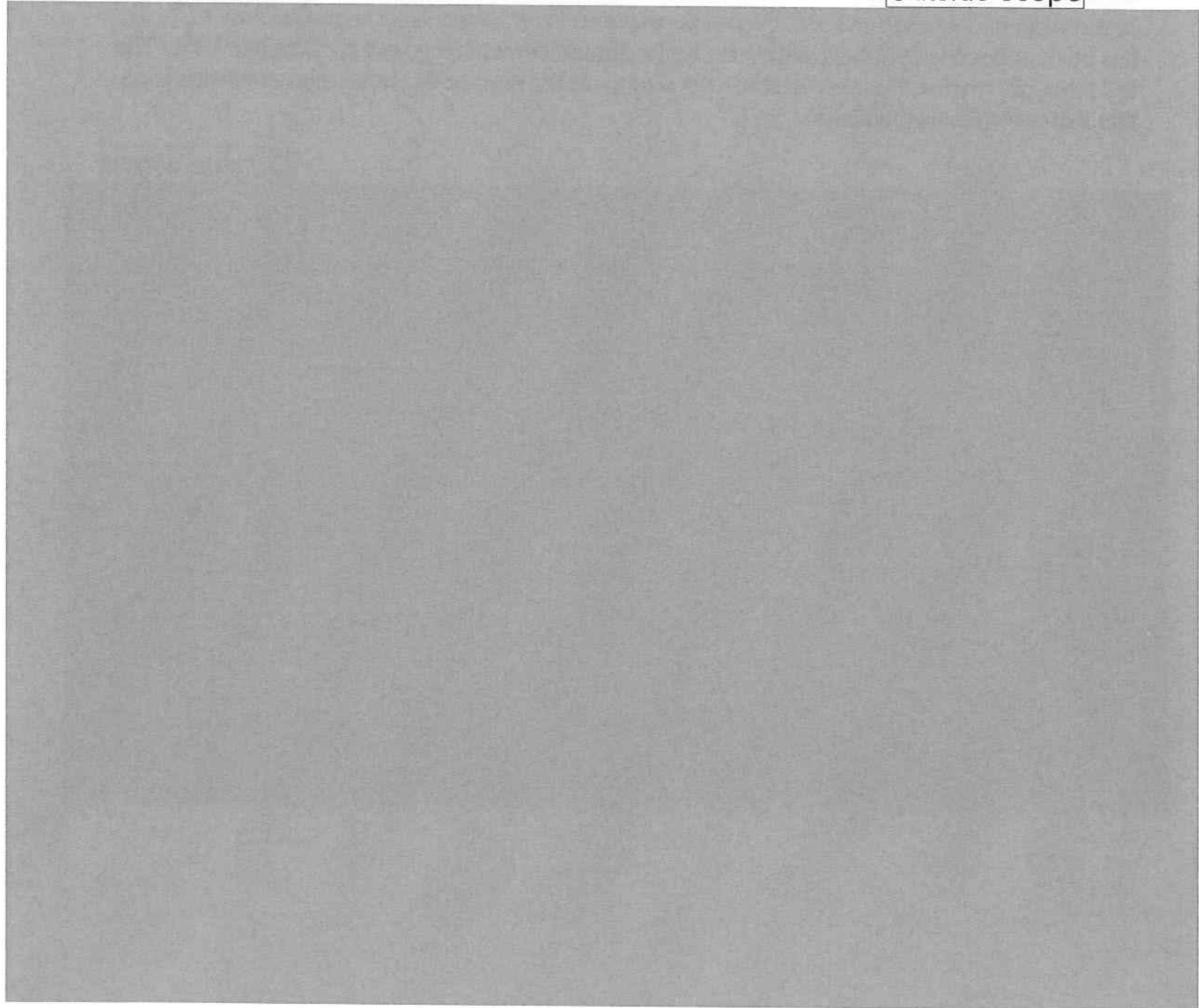
Transport Canada

- Yvette Myers, Regional Director
- Mimi Sukhdeo, Associate Regional Director, Pacific Region
- Aloak Tewari, Manager, Inspection Services
- Mak Chowdrey, Manager, Technical Services
- Andy Allan, Acting Manager, Technical Services
- Luc Tremblay, A/Executive Director, Domestic Vessels Regulatory Oversight & Boating Safety

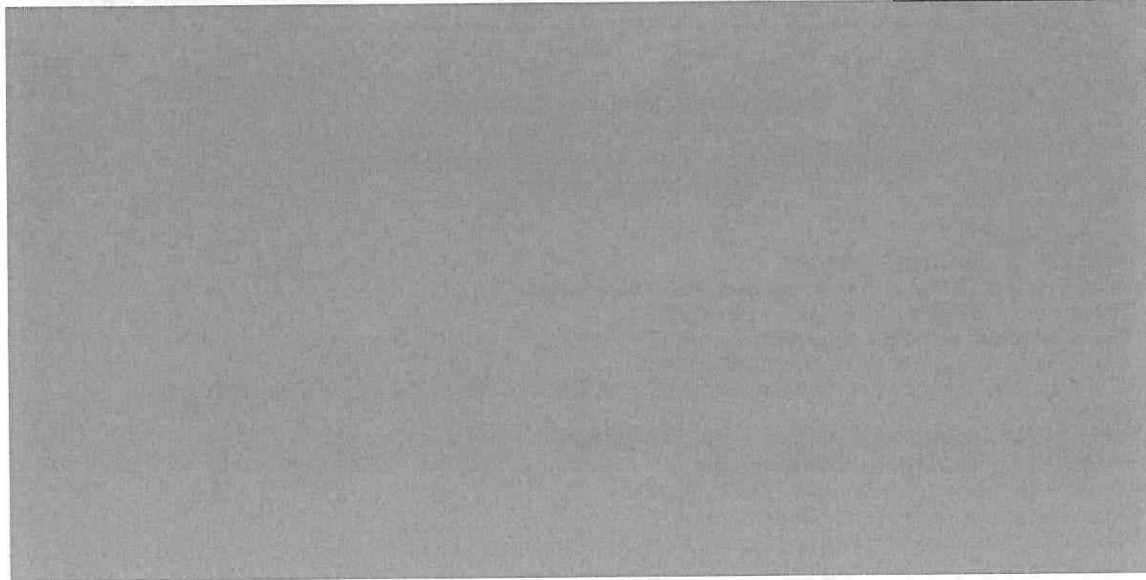
BC Ferries

- Capt. Jamie Marshall, Vice President, Fleet Operations
- Mark Wilson, Vice President, Engineering
- David Fagen, Executive Director, Safety & Health
- Bruce Paterson, Director, Naval Architecture
- Greg Peterson, Director, Engineering Services
- Jason Barabash, Corporate Counsel (by telephone)
- Marcel LaRoche, Director, LNG

Outside scope



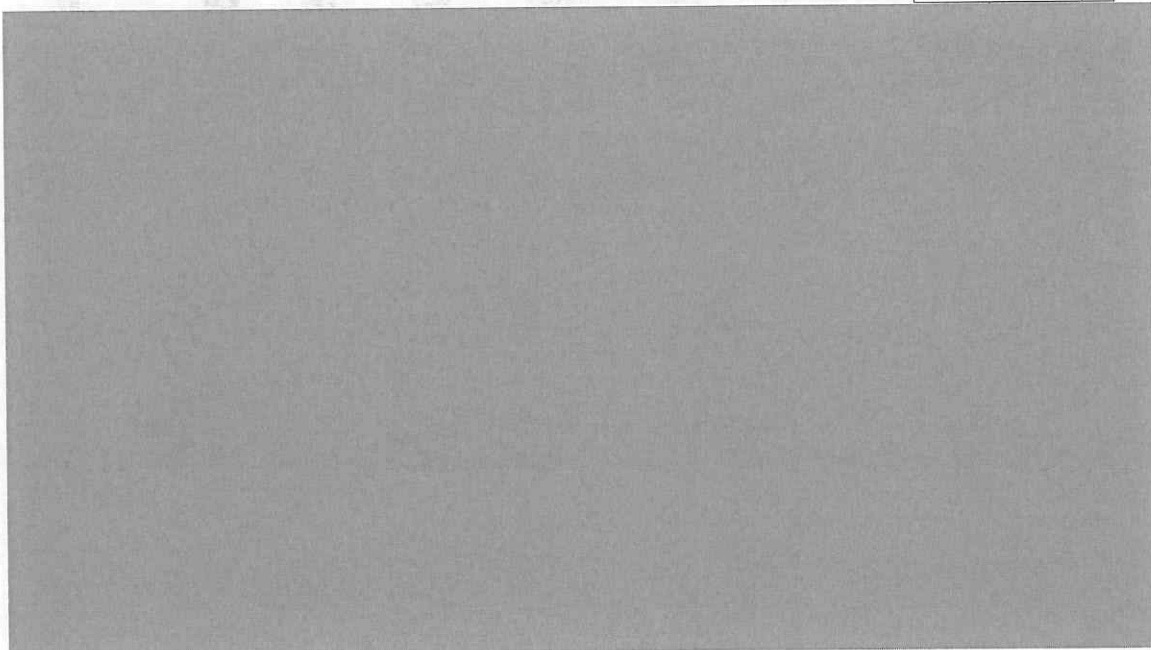
Outside scope



Limitations on Passenger Access to Closed Vehicle Decks - Update

Jamie Marshall advised that BC Ferries is prepared for implementation on October 11th. It has been announced publicly with a reminder announcement to go out on October 10th. The BC Ferry & Marine Workers' Union will also be doing supportive radio announcements on this initiative for its members.

Outside scope



Outside scope



BC FERRIES & TRANSPORT CANADA

MINUTES

Wednesday, October 4, 2017

10:00 am – 12:00 pm

Transport Canada, 10th Fl., 800 Burrard Street, Vancouver

Transport Canada

- Mimi Sukhdeo, Associate Regional Director, Pacific Region
- Luc Tremblay, A/Executive Director, Domestic Vessels Regulatory Oversight & Boating Safety (by tel)
- Aloak Tewari, Manager, Inspection Services
- Jasbir Mundy, Acting Manager, Technical Services

BC Ferries

- Capt. Jamie Marshall, Vice President, Fleet Operations
- David Fagen, Executive Director, Safety & Health
- Greg Peterson, Director, Engineering Services
- Bruce Paterson, Director, Naval Architecture (by tel)
- Marcel LaRoche, Director, LNG
- Jason Barabash, Corporate Counsel (by tel)

Regrets:

- Yvette Myers, Regional Director, Transport Canada
- Mak Chowdrey, Manager, Technical Services, Transport Canada
- Mark Wilson, Vice President, Engineering, BC Ferries

Outside scope



Outside scope

Limitations on Passenger Access to Closed Vehicle Decks - Update

Jamie Marshall advised that BC Ferries is prepared for implementation on October 11th. It has been announced publicly with a reminder announcement to go out on October 10th. The BC Ferry & Marine Workers' Union will also be doing supportive radio announcements on this initiative for its members.

Outside scope

Note: content outside scope of request has been removed

BC Ferries & Transport Canada

Agenda

**Wednesday, May 31, 2017
10:00 am - 12:00 pm
Transport Canada, 7th Fl., 800 Burrard Street
Boardroom 735**

Transport Canada

- Yvette Myers, Regional Director
- Alok Tewari, Manager, Inspection Services
- Mak Chowdrey, Manager, Technical Services

BC Ferries

- Capt. Jamie Marshall, Vice President, Fleet Operations
- Mark Wilson, Vice President, Engineering
- David Fagen, Executive Director, Safety & Health
- Bruce Paterson, Director, Naval Architecture
- Greg Peterson, Director, Engineering Services
- Jason Barabash, Corporate Counsel
- Marcel LaRoche, Director, LNG

Outside scope



BC FERRIES & TRANSPORT CANADA

MINUTES

Wednesday, May 31, 2017

10:00 am – 12:00 pm

Transport Canada, 7th Fl., 800 Burrard Street, Vancouver

Transport Canada

- Yvette Myers, Regional Director
- Mimi Sukhdeo, Associate Regional Director, Pacific Region
- Mak Chowdrey, Manager, Technical Services
- Andy Allan, Acting Manager, Technical Services
- Luc Tremblay, A/Executive Director, Domestic Vessels Regulatory Oversight & Boating Safety (by tel)

BC Ferries

- Capt. Jamie Marshall, Vice President, Fleet Operations
- Mark Wilson, Vice President, Engineering
- David Fagen, Executive Director, Safety & Health
- Greg Peterson, Director, Engineering Services
- Bruce Paterson, Director, Naval Architecture
- Marcel LaRoche, Director, LNG, BC Ferries
- Jason Barabash, Corporate Counsel

Regrets:

- Aloak Tewari, Manager, Inspection Services, Transport Canada

Outside scope

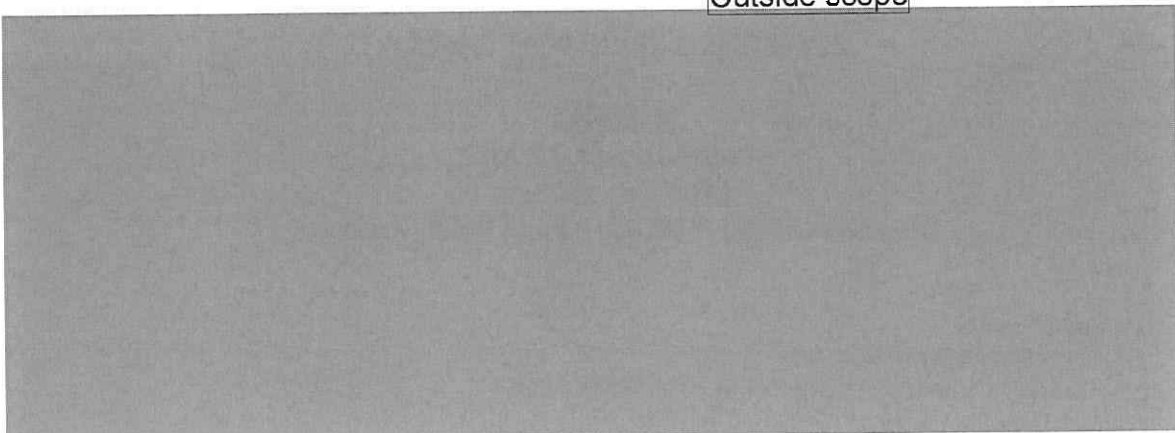


Review of Action Items

Limiting Passenger Access to Closed Vehicle Decks

Jamie Marshall advised that BC Ferries will announce this new requirement in mid-September for implementation on October 11, 2017.

Outside scope



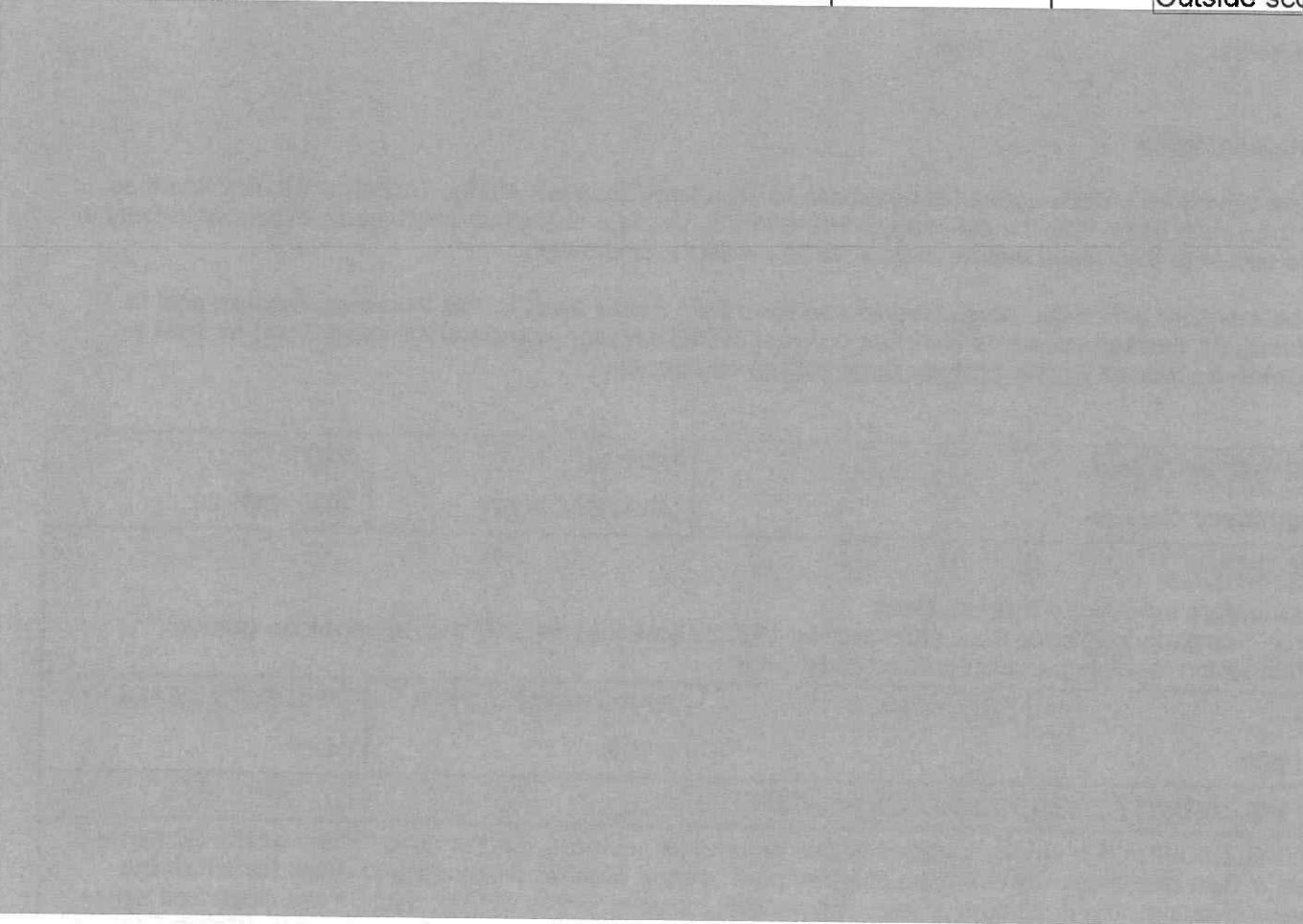
Bring Forward

Limitations on Passenger Access to Closed Vehicle Decks
See minutes above.

Outside scope



BC FERRIES & TRANSPORT CANADA
ACTION ITEMS
as at May 31, 2017

Meeting Date	Action Item	Responsibility	Status
Dec. 20/16	Limiting Passenger Access to Closed Vehicle Decks <i>BC Ferries will do an analysis and risk assessment and submit an MTRB to Transport Canada regarding Route 3 and Route 9 when the Salish Class is in service.</i>	Bruce Paterson	Outside scope
			

Peterson, Greg

From: Peterson, Greg
Sent: February 23, 2017 12:27 PM
To: Myers, Yvette; To For Yeung (ToFor.Yeung@tc.gc.ca); Aloak Tewari (Aloak.Tewari@tc.gc.ca)
Cc: Johnston, Darren; Marshall, Captain Jamie; Wilson, Mark; Makhan Chowdrey (Makhan.Chowdrey@tc.gc.ca); Paterson, Bruce
Subject: MTRB Request - Passengers on Closed Vehicle Deck
Attachments: 80-0007_1202-07_MTRB-VESSEL_GROUP-PassengersOnCardeck-rev2.pdf
Importance: High

Capt. John Yeung;

Please submit an MTRB request (as attached) to Transport Canada's Marine Technical Review Board as per the details herein for the defined VESSEL GROUP. This is a request to continue to allow passengers to have access to the closed vehicle deck while the vessel is underway.

As this matter has been discussed in considerable detail both in the Western Region and in Ottawa, BC Ferries requests that the normal MTRB service standard be expedited so that a decision be issued in the first week of March or sooner.

PROJECT or EVENT		VESSEL	DATE
Regulatory Change		VESSEL GROUP	2017-JAN-20
SUBJECT			
Passengers on Closed Vehicle Deck Cargo Fumigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck			
RO	PRECEDENTS	APPLICATION TYPE	DECISION DEADLINE
LR, ABS		MTRB	ASAP
1. EQUIPMENT/STRUCTURAL INFORMATION			
VESSEL GROUP: The vessels included in this request for variance are the ro/ro ferries of the BC Ferries' coastal fleet that meet the definition of a having a "closed deck" and operate on routes for which the posted crossing time is 2 hours or less. The vessels included in this VESSEL GROUP are described below by construction group (sister vessels) where applicable, operate in the Straits of Georgia (Salish Sea) and are non-Convention vessels (i.e., are not certified or built for international voyages):			
QUEEN OF NEW WESTMINSTER; C-CLASS (5): QUEEN OF ALBERNI, QUEEN OF COQUITLAM, QUEEN OF COWICHAN, QUEEN OF SURRY, QUEEN OF OAK BAY; S-CLASS (2): SPIRIT OF BRITISH COLUMBIA, SPIRIT OF VANCOUVER ISLAND COASTAL CLASS (3): COASTAL RENAISSANCE, COASTAL INSPIRATION, COASTAL CELEBRATION SALISH CLASS (3): SALISH ORCA, SALISH EAGLE (registry pending), SALISH RAVEN (registry pending)			
An MTRB request for each vessel in the VESSEL GROUP shall need to be prepared from the content of this master VESSEL GROUP request. It is proposed that this VESSEL GROUP request can assist the Transport Canada MTRB Secretariat in expediting the process for all the vessels.			

2. BACKGROUND and REASON for REQUEST

Cargo Fumigation & Tackle Regulation section 152 was brought into the statute without consideration for very large passenger and vehicle volumes and very short in berth turnaround times demanded by the service schedules of the British Columbia Coastal Ferry Act. The application of section 152 is not consistently practicable for these crossings of 2 hours or less.

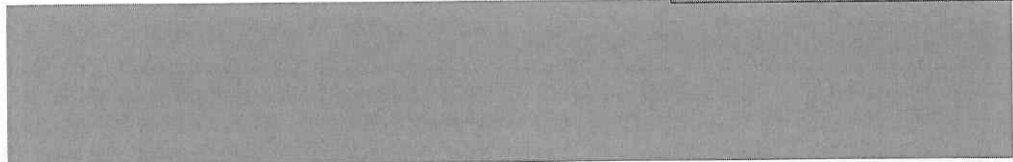
3. REQUIREMENTS of STATUTES, STANDARDS or RULES

Voyage Classification	Near Coastal Voyage, Class 2, Limited Home Trade III
Source	Canada Shipping Act Cargo, Fumigation and Tackle Regulations SOR/2007-128
Section	<i>Closed Vehicle Decks</i> 152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger (a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or (b) is accompanied by a crew member, if there are packaged goods on the deck.
Specific provisions for Variance	"Every passenger shall keep off a closed vehicle deck."

4. PROPOSED ALTERNATIVES – the means of achieving an equivalent level of safety

Description	As a key operational requirement, it will continue to be necessary for passengers to have access to the closed vehicle deck while the vessel is underway.
Risk Mitigation	<p>Risks to passengers remaining on a closed deck are:</p> <ul style="list-style-type: none"> • not receiving the safety briefing • lack of situational awareness • vehicle fire on deck (smoke, toxicity); • proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle <p>BC Ferries assessment of the risks inherent in the "closed deck" of vessels in the VESSEL GROUP has for many years resulted in vessel procedures and standard features to reduce the risks to ALARP status.</p> <p>Vessel systems: FOIPP Act, ss. 15 and 19</p> <div style="background-color: #cccccc; width: 100%; height: 150px; margin-top: 5px;"></div> <p>Vessel Procedures: FOIPP Act, ss. 15 and 19</p> <div style="background-color: #cccccc; width: 100%; height: 100px; margin-top: 5px;"></div>

FOIPP Act, ss. 15 and 19



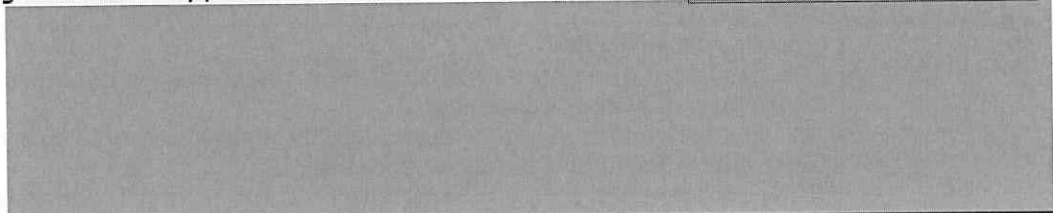
Passengers Requiring Assistance:

FOIPP Act, ss. 15 and 19



Organizational Support:

FOIPP Act, ss. 15 and 19



5. PROPOSED CONDITIONS – If not met, the alternative ceases to continue in effect

Limitations	The vessel has a "closed deck" and operates on a route for which the posted crossing time is 2 hours or less.
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6. SUPPORTING DOCUMENTATION

List of attachments	None
---------------------	------

regards

Greg Peterson
Director Engineering Services
Engineering
British Columbia Ferry Services Inc.
12800 Rice Mill Rd, Richmond, BC, V6W 1A1

FOIPP Act, ss. 15, 19 and 22

greg.peterson@bcferries.com
bcferries.com | Facebook | Twitter

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**REQUEST FOR DECISION OF THE MARINE TECHNICAL REVIEW BOARD (MTRB)
DEMANDE DE DÉCISION DU BUREAU D'EXAMEN TECHNIQUE EN MATIÈRE MARITIME (BETMM)**

DECISION INFORMATION - INFORMATION SUR LA DÉCISION			
Decision number - Numéro de la décision		Proposed expiry date (dd-mm-yyyy) Date d'expiration proposée (jj-mm-aaaa)	
Office - Bureau		Date (dd-mm-yyyy / jj-mm-aaaa)	
VESSEL DETAILS -- DESCRIPTION DU BÂTIMENT			
Vessel name - Nom du bâtiment		IMO number Numéro OMI	Official number Numéro de matricule
File number Numéro de dossier		Vessel type description - Description du type de bâtiment	
Year built - Année de construction		Gross tonnage - Jauge brute	
Length - Longueur	Passengers - Passagers	Crew - Équipage	Construction material - Matériaux de construction
Last major modification - Dernière modification majeure			
Power type - Type de propulsion	KW - KW		Screws - Hélices

Voyage limitation - Limite des voyages Near Coastal 2 Sheltered Waters (Horseshoe Bay to Langdale)
Subject - Objet Passengers on Closed Vehicle Deck Cargo Fumigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck
RDIMS nos - request for MTRB decision/background - N°s SDGGI - demande de décision au sujet de BETMM/information connexe
Regulation reference ¹ - Référence réglementaire ¹ Canada Shipping Act Cargo, Fumigation and Tackle Regulations SOR/2007-128 Section 152 (1)
Precedents - Précédents

¹ All requests must have a reference to at least one regulation under the Canada Shipping Act, 2001.
¹ Toutes les demandes doivent comporter un renvoi à au moins un règlement pris en vertu de la Loi de 2001 sur la marine marchande du Canada.

1. Review - Revue

VESSEL GROUP: The vessels included in this request for variance are the ro/ro ferries of the BC Ferries' coastal fleet that meet the definition of a "closed deck" and operate on routes for which the posted crossing time is 2 hours or less. The vessels included in this VESSEL GROUP are described below by construction group (sister vessels) where applicable, operate in the Straits of Georgia (Salish Sea) and are non-Convention vessels (i.e., are not certified or built for international voyages):

QUEEN OF NEW WESTMINSTER;

C-CLASS (5): QUEEN OF ALBERTA, QUEEN OF COQUITLAM, QUEEN OF COWICHAN, QUEEN OF SURREY, QUEEN OF OAK BAY;

S-CLASS (2): SPIRIT OF BRITISH COLUMBIA, SPIRIT OF VANCOUVER ISLAND

COASTAL CLASS (3): COASTAL RENAISSANCE, COASTAL INSPIRATION, COASTAL CELEBRATION

SALISH CLASS (3): SALISH ORCA, SALISH EAGLE (registry pending), SALISH RAVEN (registry pending)

An MTRB request for each vessel in the VESSEL GROUP shall need to be prepared from the content of this master VESSEL GROUP request. It is proposed that this VESSEL GROUP request can assist the Transport Canada MTRB Secretariat in expediting the process for all the vessels.

2. Details of regulatory requirements - Détails des exigences réglementaires

Closed Vehicle Decks

152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger

(a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or

(b) is accompanied by a crew member, if there are packaged goods on the deck.

3. Proposed alternative to the regulation requirement - Solution proposée en remplacement de l'exigence réglementaire

As a key operational requirement, it will continue to be necessary for passengers to have access to the closed vehicle deck while the vessel is underway.

4. Reason why regulatory requirement cannot be met or why alternative proposal is preferable

Raison pour laquelle l'exigence réglementaire ne peut pas être respectée ou pour laquelle la solution de rechange est jugée préférable

Cargo Fumigation & Tackle Regulation section 152 was brought into the statute without consideration for very large passenger and vehicle volumes and very short in berth turnaround times demanded by the service schedules of the British Columbia Coastal Ferry Act. The application of section 152 is not consistently practicable for these crossings of 2 hours or less.

5. Reason why safety and the environment will not be compromised - Raison pour laquelle il n'y a pas de risque pour la sécurité et l'environnement

BC Ferries assessment of the risks inherent in the "closed deck" of vessels in the VESSEL GROUP has for many years resulted in vessel procedures and standard features to reduce the risks to ALARP status.

Vessel systems:

FOIPP Act, ss. 15 and 19

Vessel Procedures:

FOIPP Act, ss. 15 and 19

Passengers Requiring Assistance:

FOIPP Act, ss. 15 and 19

Organizational Support:

FOIPP Act, ss. 15 and 19

6. Potential risks to safety and the environment – Risques possibles pour la sécurité et l'environnement

Risks to passengers remaining on a closed deck are:

- not receiving the safety briefing
- lack of situational awareness
- vehicle fire on deck (smoke, toxicity);
- proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle

7. Proposed conditions – Conditions proposées

The vessel has a "closed deck" and operates on a route for which the posted crossing time is 2 hours or less.

RECOMMENDATIONS-REGIONAL PROCESS – RECOMMANDATIONS-PROCESSUS DE LA RÉGION				
Required notifications – Avis requis IMO notification required Avis requis à l'OMI	Delegated classification society notification required Avis requis de la société de classification	<input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non	Grant Accepté	Deny Rejeté
Originator – Initiateur	Date (dd-mm-yyyy / j-j-mmm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TCC manager – Gestionnaire de CTC	Date (dd-mm-yyyy / j-j-mmm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regional Director – Directeur régional	Signature	Date (dd-mm-yyyy / j-j-mmm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>

RECOMMENDATIONS-CLASSIFICATION SOCIETY – RECOMMANDATIONS-SOCIÉTÉ DE CLASSIFICATION				
Required notifications – Avis requis IMO notification required Avis requis à l'OMI	Delegated classification society notification required Avis requis de la société de classification	<input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non	Grant Accepté	Deny Rejeté
Originator – Initiateur	Date (dd-mm-yyyy / j-j-mmm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Principal Surveyor – Expert maritime principal	Date (dd-mm-yyyy / j-j-mmm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TCC manager – Gestionnaire de CTC	Date (dd-mm-yyyy / j-j-mmm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regional Director – Directeur régional	Signature	Date (dd-mm-yyyy / j-j-mmm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>

PANEL VOTES – HQS PROCESS² – VOTES DE LA FORMATION-PROCESSUS DE L'AC³

				Grant Accepté	Deny Rejeté
Member 1 (print name) Membre 1 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 2 (print name) Membre 2 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 3 (print name) Membre 3 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 4 (print name) Membre 4 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Chair (print name) Président (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Chair second vote in case of a tie (print name) Président - deuxième vote en cas d'égalité (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>

¹ Indicate any and all conditions to be attached to this exemption or replacement should the application be granted.
¹ Indiquer les conditions auxquelles la demande d'exemption ou de remplacement devrait être approuvée.

² **Striking panels**

27.(1) when an application is made under subsection 28(1), the Chair must strike a panel of at least three persons.

Constitution

(2) Each panel consists of the Chair and the persons appointed by the Chair.

³ **Constitution de formation**

27.(1) sur réception de la demande visée au paragraphe 28(1), le président constitue une formation composée d'au moins trois personnes.

Composition

(2) La formation est composée du président et des autres personnes nommées par celui-ci.

Peterson, Greg

From: Peterson, Greg
Sent: February 05, 2017 10:52 PM
To: Luc Tremblay (luc.tremblay@tc.gc.ca); Baumelle, Cédric; Marshall, Captain Jamie
Subject: **Feb 8 Telecon Materials DRAFT MTRB Request - Passengers on the Vehicle Deck (for discussion)
Attachments: BCF-TC Summary MTRB-CFTR 152-1 proposal-Feb8-2017.pdf; BCF-MTRB-VESSEL_GROUP-PassengersOnCardeck.pdf

Luc,

Materials attached for the Feb 8, 1:00 pm meeting in Ottawa for "Passengers on the Vehicle Deck" discussion. Note: *We have done a preliminary presentation to TC Vancouver this past week on Thursday, Feb 2.*

1. Powerpoint Presentation Summary (attached) – will be used as the Agenda
2. MTRB Application DRAFT (attached) – TC application form
3. AR Letter of Request (inserted below)

{AR Letter of Request for MTRB Decision}

Note that this request is provided in a Generic letter format for all the vessels named in the VESSEL GROUP. The content of the MTRB decision request letter for each vessel shall be identical, therefore a common MTRB request is provided for purposes of processing efficiency.

In the same manner a Generic VESSEL GROUP MTRB application (TC form 80-0007 (1202-07)) is also provided as a sample.

PROJECT or EVENT		VESSEL	DATE
Regulatory Change		VESSEL GROUP	2017-JAN-20
SUBJECT			
Passengers on Closed Vehicle Deck Cargo Furnigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck			
RO	PRECEDENTS	APPLICATION TYPE	DECISION DEADLINE
LR, ABS	M10741	MTRB or Letter of Policy	ASAP
1. EQUIPMENT/STRUCTURAL INFORMATION			
VESSEL GROUP: The vessels included in this request for variance are the ro/ro ferries of the BC Ferries' coasta fleet that meet the definition of a having a "closed deck" and operate on routes for which the posted crossing time is 2 hours or less. The vessels included in this VESSEL GROUP are described below by construction group (sister vessels) where applicable, operate in the Straits of Georgia (Salish Sea) and are non-Convention vessels (I.e., are not certified or built for international voyages):			
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COASTAL CLASS (3): COASTAL RENAISSANCE, COASTAL INSPIRATION, COASTAL CELEBRATION
SALISH CLASS (3): SALISH ORCA, SALISH EAGLE (registry pending), SALISH RAVEN (registry pending)

An MTRB request for each vessel in the VESSEL GROUP shall need to be prepared from the content of this master VESSEL GROUP request. It is proposed that this VESSEL GROUP request can assist the Transport Canada MTRB Secretariat in expediting the process for all the vessels.

Closed Deck: The term "closed deck" is not defined in the Cargo Fumigation & Tackle Regulation nor is the term defined elsewhere in CSA 2001. The closest SOLAS definition is "Closed vehicle spaces are vehicle spaces which are neither open vehicle spaces nor weather decks."

For the purpose of this request for decision, the AR withholds any applicability arguments on the basis of the "closed deck" definition. The AR has requested a Letter of Policy on the applicability of CFTR 152 and has been advised by Transport Canada that a request to the MTRB should be made. The vehicle decks of vessels in this VESSEL GROUP have differences in opening arrangements that could be interpreted as not constituting a "closed deck."

For each vessel in this VESSEL GROUP, the de facto "closed deck" is the lower vehicle deck compartment on the freeboard/bulkhead deck. The vessels must achieve rapid loading and unloading to facilitate the necessary high number of ferry crossings servicing the metropolitan Vancouver area the coastal islands and fjords. The relevant attributes of the vehicle deck design include:

- drive thru end to end vehicle deck (bow height, sill height and bulkhead exemptions)
- bow and stern doors (of various configurations and degrees of weathertightness)
- multiple stairwells and elevators between the vehicle deck and the passenger decks

Each vessel in the VESSEL GROUP also has another vehicle deck above the lower vehicle deck. In all cases, these vehicle decks are "open" decks and not subject to CFTR 152. Although there are height and weight restrictions on upper vehicle decks, these decks possess the same attributes for rapid loading and unloading:

- drive thru end to end vehicle deck
- visors or gates at each end
- multiple stairwells and elevators between the vehicle deck and the passenger decks

Each vessel in the VESSEL GROUP is able to load and unload each vehicle deck simultaneously due to double stacked, two ramp shore-side berth structures or vehicle deck hatch arrangements. Vehicle loading and unloading is a continuous operation. For passenger safety, due to vehicle movement in adjacent deck lanes, it is not possible for all passengers to exit vehicles until loading is completed. For the same reason prior to unloading, all passengers must be secure in their vehicles.

2. BACKGROUND and REASON for REQUEST

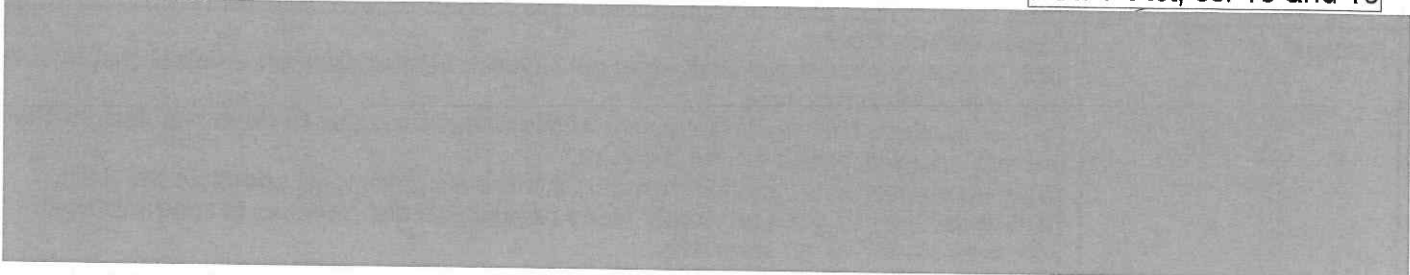
The application of CFTR 152 to the VESSEL GROUP is a significant passenger inconvenience for a period of risk mitigation ranging from 35% to 75% of a passenger's total time on board the vessel. Accordingly there is a high incidence of non-compliant passenger behaviour. BC Ferries assessment of the risks inherent in the "closed deck" of vessels in the VESSEL GROUP has taken into account these behavioural aspects and has for many years instituted procedures and relied on standard features to reduce the risks to ALARP status.

Vessel systems:

FOIPP Act, ss. 15 and 19

Vessel Procedures:

FOIPP Act, ss. 15 and 19



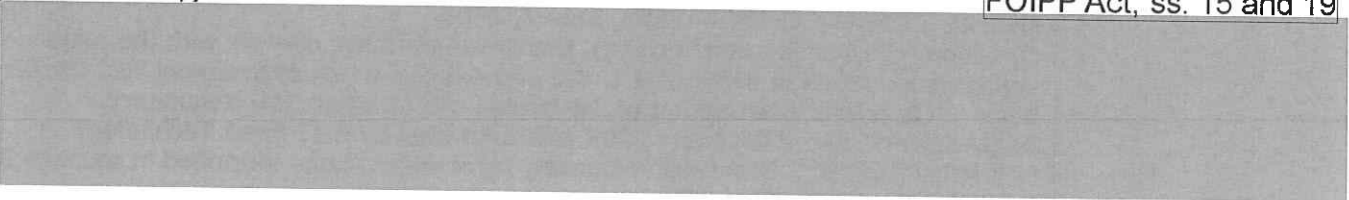
Passengers Requiring Assistance:

FOIPP Act, ss. 15 and 19



Organizational Support:

FOIPP Act, ss. 15 and 19



Specific concerns have been recently expressed by Transport Canada regarding risks to passengers remaining on a closed deck are:

- not receiving the safety briefing;
- not hearing the PA system;
- lack of situational awareness;
- sufficient evacuation time and route
 - taking into account IMO guidelines, but also additional factors not addressed in the IMO MSC Circular such potential obstruction of evacuation route by cars/open doors, response time to help persons with reduced mobility and young children from within the vehicle, etc.;
- vehicle fire on deck (smoke, toxicity);
- proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle
- adequate surveillance by crew during transit, and
- orderly evacuation (crowd control)

As a result of the concerns raised by Transport Canada, BC Ferries is compelled to make an application to the Marine Technical Review Board. The intent of this application is to describe in detail the manner in which BC Ferries approaches the requirements of CFTR 152 for this VESSEL GROUP. A vessel by vessel, route by route decision of the MTRB shall be expected to remove ambiguity on this matter for the AR, Transport Canada, and travelling passengers.

In this application, BC Ferries acknowledges that it is not feasible in the operation of the vessels in this VESSEL GROUP to assure literal compliance with the requirement that "every passenger shall keep off a closed vehicle deck on a vessel that is under way." Therefore, the alternate is proposed to mitigate the risk of passenger presence on the closed deck and to allow for changes in passenger habit over time as a result of measures to educate and encourage.

3. REQUIREMENTS of STATUTES, STANDARDS or RULES	
Voyage Classification	Near Coastal Voyage, Class 2, Limited Home Trade III
Source	Canada Shipping Act

Cargo, Fumigation and Tackle Regulations SOR/2007-128	
Section	<p>Closed Vehicle Decks</p> <p>152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger</p> <p>(a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or</p> <p>(b) is accompanied by a crew member, if there are packaged goods on the deck.</p> <p>(2) Subsection (1) does not apply when passengers are directed to return to their vehicles before the vessel docks.</p>
Other citations	<p>SOLAS CH II-1 Construction Part B-4 - Stability Management, Regulation 23 - Special requirements for ro-ro passenger ships states:</p> <p>9. In all ro-ro passenger ships, the master or the designated officer shall ensure that, without the expressed consent of the master or the designated officer, no passengers are allowed access to an enclosed ro-ro deck when the ship is under way.</p> <p>M10741 COASTAL CELEBRATION, June 7, 2013</p> <p>Condition (c). Despite condition (a), the vessel need not comply with the major variances identified in sections 4.1, 4.2 and 4.3 of the risk assessment "BC Ferries Super C Class Risk Assessment of the Design and Construction Regulatory Requirements" dated February 2005 and submitted by BMT Fleet Technology (RDIMS# 1108797), if the risk mitigating recommendations identified in sections 5.1, 5.2 and 5.3 are complied with:</p> <p>RDIMS# 1108797</p> <p>5.3 Passenger Access to Vehicle Decks</p> <p>As a key operational requirement, it is necessary for passengers to have access to the Main Vehicle Deck during transit. It is considered that the preferred design is acceptable to allow passengers on that deck, and that it meets the intent of the regulations. However, the following features must be ensured:</p> <ul style="list-style-type: none"> • Suitable and effective means of rapid and effective providing firefighting. • Additional escape routes are considered. • Passenger transit routes are considered. • Fire patrols are provided on the MVD, to provide passenger guidance and supervision. • Scuppers and Drains are fitted in accordance with SOLAS (125% of maximum deluge capacity). • All electrical fittings meet TP127 for electrical components in petrol environments.
Specific provisions for Variance	"Every passenger shall keep off a closed vehicle deck."
4. PROPOSED ALTERNATIVES – the means of achieving an equivalent level of safety	
Description	<p>As it is not feasible to forcibly remove non-compliant passengers from vehicles and as it is not feasible to physically secure all access routes to the "closed deck" it is proposed that additional measures be applied to the VESSEL GROUP:</p> <ul style="list-style-type: none"> • to educate and inform passengers of the regulatory requirement, and • to explain, as necessary, the reasons for the regulation. <p>A nominal 15 minutes at the start and at the end of the voyage (crossing) shall be allowed to provide time for passengers to exit from the "closed deck" after departure and to return to the "closed deck" before arrival.</p> <p>On crossings where the total time for which the "closed deck" can be effectively cleared is less than 50% of the crossing time (e.g., a 45 minute crossing time) higher levels of passenger non-compliance will be tolerated.</p> <p>Specific types of vehicles to be exempted: ambulances and other emergency vehicles,</p>

	sheriff's vehicles (prisoner transport), vehicles and trailers conveying large animals.
Risk Mitigation	<p>Over decades of operation on short duration crossings (<180 minutes) the BC Ferries crew have actively managed the ro-ro deck spaces and have achieved a high success rate by eliminating hazards quickly and attending to the passengers that have remained in their vehicles on the closed vehicle deck.</p> <p>Statistics on fire or dangerous goods incidents for each vessel and service route are maintained in the company ISall reporting system since April 2009. (See 7. Reference Notes).</p> <ul style="list-style-type: none"> • Fire incidents reported at a rate of 2 in 10,000 sailings • DG incidents reported at a rate of 1 in 10,000 sailings <p>The record shows that these incidents have been managed without escalating past the response of the deck fire team using portable equipment. Notwithstanding past success in mitigating this risk, BCF agrees that more should be done to limit access of passengers to closed vehicle decks and therefore intends to implement additional measures as detailed here in the Conditions.</p>

5. PROPOSED CONDITIONS

	<p>(a) Instructional pamphlets provided to vehicles at the ticketing booth that include the statement to advise passengers that regulation requires that passengers shall not remain on closed vehicle decks on a vessel that is in transit.</p> <p>(b) Signage on the "closed deck" advising that passengers must exit the Vehicle deck during the voyage.</p> <p>(c) PA announcement advising passengers to exit the "closed deck."</p> <p>(d) 15 minutes at the start and at the end of the voyage (crossing) shall be allowed to provide time for passengers to exit from the "closed deck" after departure and to return to the "closed deck" before arrival.</p> <p>(e) Passengers shall be allowed to remain with ambulances and other emergency vehicles, sheriff's vehicles (prisoner transport), and vehicles and trailers conveying large animals.</p> <p>(f) Continuous vehicle deck patrol by crew members who, where feasible, will converse with non-compliant passengers in a non-confrontational fashion.</p> <p>(g) Compliance monitoring information shall be reported to Transport Canada after 12 months.</p>
--	--

6. SUPPORTING DOCUMENTATION

	BCF Route schedule(s) for the vessels (BC Ferries website) BCF Fleet Fire and Dangerous Goods Event Data
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7. REFERENCE NOTES

BCF Fleet Fire and Dangerous Goods Event Data for VESSEL GROUP

TOTAL SAILINGS – April 1, 2009 to December 31, 2016 (Fiscal year April to March identified by year ending)									
Vessels	F2010	F2011	F2012	F2013	F2014	F2015	F2016	F2017	TOTALS

NW	NW	1,483	1,577	1,266	916	860	1,024	1,068	1,168	9,362
C Class	ALB	2,408	2,480	2,184	2,434	2,450	2,322	2,374	1,650	18,302
	COQ	1,299	2,215	2,723	1,563	2,158	2,097	2,355	1,746	16,156
	COW	1,320	2,217	1,874	2,035	1,904	1,989	1,631	950	13,920
	OAK	2,651	2,472	2,563	2,625	2,721	2,167	2,212	2,160	19,571
	SUR	5,278	4,206	4,332	5,207	4,607	4,917	4,658	3,824	37,029
S Class	SBC	2,491	2,365	2,083	2,136	1,979	2,034	2,426	2,104	17,618
	SVI	2,454	2,204	2,092	2,046	2,048	2,022	1,941	1,813	16,620
Coastal Class	CEL	1,702	1,852	1,845	1,932	1,874	1,948	2,015	1,401	14,569
	INS	2,458	2,300	2,335	2,340	2,365	2,495	2,424	1,854	18,571
	REN	1,906	1,519	2,111	2,004	2,122	2,074	2,240	1,142	15,118
										196,836

FIRE INCIDENTS - April 1, 2009 to December 31, 2016 (Fiscal year April to March identified by year ending)

Vessels		F2010	F2011	F2012	F2013	F2014	F2015	F2016	F2017	TOTALS
NW	NW	2			1	1				4
C Class	ALB	1	1	1				2		5
	COQ		1	2		1	1			5
	COW	1				1	2			4
	OAK	1					2	1		4
	SUR						1			1
S Class	SBC	1	4	1		2	1	1		10
	SVI	1		1		1	2			5
Coastal Class	CEL		1					1		2
	INS									
	REN				1		1			2
										42

DANGEROUS GOODS INCIDENTS - April 1, 2009 to December 31, 2016 (Fiscal year April to March identified by year ending)

Vessels		F2010	F2011	F2012	F2013	F2014	F2015	F2016	F2017	TOTALS
NW	NW			1						1
C Class	ALB	1	1					1		3

	COQ			1	1					2
	COW							1		1
	OAK	1								1
	SUR									
S Class	SBC							1		1
	SVI	1		2	1			1		5
Coastal Class	CEL	1						1		2
	INS							2		2
	REN					1				1
										19

Greg Peterson
 Director Engineering Services
 Engineering
British Columbia Ferry Services Inc.
 12800 Rice Mill Rd, Richmond, BC, V6W 1A1

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FOIPP Act, ss. 15, 19 and 22

Notice:

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REQUEST FOR DECISION OF THE MARINE TECHNICAL REVIEW BOARD (MTRB)
DEMANDE DE DÉCISION DU BUREAU D'EXAMEN TECHNIQUE EN MATIÈRE MARITIME (BETMM)

DECISION INFORMATION – INFORMATION SUR LA DÉCISION				
Decision number – Numéro de la décision		Proposed expiry date (dd-mm-yyyy) Date d'expiration proposée (jj-mm-aaaa)		
Office – Bureau		Date (dd-mm-yyyy / jj-mm-aaaa)		
VESSEL DETAILS – DESCRIPTION DU BÂTIMENT				
Vessel name – Nom du bâtiment		IMO number Numéro OM:	Official number Numéro de matricule	File number Numéro de dossier
BC FERRIS "VESSEL GROUP"				
Vessel type description – Description du type de bâtiment			Year built – Année de construction	
Gross tonnage – Jauge brute	Length – Longueur	Passengers – Passagers	Crew – Équipage	Construction material – Matériaux de construction
Last major modification – Dernière modification majeure				
Power type – Type de propulsion		kW – kW	Screws – Hélices	

Voyage limitation – Limite des voyages Near Coastal 2 Sheltered Waters (Horseshoe Bay to Langdale)
Subject – Objet Passengers on Closed Vehicle Deck Cargo Fumigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck
RDIMS nos - request for MTRB decision/background – N°s SDGGI - demande de décision au sujet de BETMM/information connexe
Regulation reference* – Référence réglementaire* Canada Shipping Act Cargo, Fumigation and Tackle Regulations BOR/2007-128 Section 152 (1)
Precedents – Précédents MI-0741 COASTAL CELEBRATION, June 7, 2013, Condition (c)

* All requests must have a reference to at least one regulation under the *Canada Shipping Act, 2001*.
 * Toutes les demandes doivent comporter un renvoi à au moins un règlement pris en vertu de la *Loi de 2001 sur la marine marchande du Canada*.

1. Review - Revue

VESSEL GROUP: The vessels included in this request for variance are the ro/ro ferries of the BC Ferries' coastal fleet that meet the definition of a having a "closed deck" and operate on routes for which the posted crossing time is 2 hours or less. The vessels included in this VESSEL GROUP are described below by construction group (sister vessels) where applicable, operate in the Straits of Georgia (Salish Sea) and are non-Convention vessels (i.e., are not certified or built for international voyages):

QUEEN OF NEW WESTMINSTER;

C-CLASS (5): QUEEN OF ALBERNI, QUEEN OF COQUITLAN, QUEEN OF COWICHAN, QUEEN OF SURREY, QUEEN OF OAK BAY;

S-CLASS (2): SPIRIT OF BRITISH COLUMBIA, SPIRIT OF VANCOUVER ISLAND

COASTAL CLASS (3): COASTAL RENAISSANCE, COASTAL INSPIRATION, COASTAL CELEBRATION

SALISH CLASS (3): SALISH ORCA, SALISH EAGLE (registry pending), SALISH RAVEN (registry pending)

An MTRB request for each vessel in the VESSEL GROUP shall need to be prepared from the content of this master VESSEL GROUP request. It is proposed that this VESSEL GROUP request can assist the Transport Canada MTRB Secretariat in expediting the process for all the vessels.

Closed Deck: The term "closed deck" is not defined in the Cargo Fumigation & Tackle Regulation nor is the term defined elsewhere in CSA 2001. The closest SOLAS definition is "Closed vehicle spaces are vehicle spaces which are neither open vehicle spaces nor weather decks."

For the purpose of this request for decision, the AR withholds any applicability arguments on the basis of the "closed deck" definition. The AR has requested a Letter of Policy on the applicability of CFTR 152 and has been advised by Transport Canada that a request to the MTRB should be made. The vehicle decks of vessels in this VESSEL GROUP have differences in opening arrangements that could be interpreted as not constituting a "closed deck."

For each vessel in this VESSEL GROUP, the de facto "closed deck" is the lower vehicle deck compartment on the freeboard/bulkhead deck. The vessels must achieve rapid loading and unloading to facilitate the necessary high number of ferry crossings servicing the metropolitan Vancouver area the coastal islands and fjords. The relevant attributes of the vehicle deck design include:

- drive thru end to end vehicle deck (bow height, sill height and bulkhead exemptions)
- bow and stern doors (of various configurations and degrees of weathertightness)
- multiple stairwells and elevators between the vehicle deck and the passenger decks

Each vessel in the VESSEL GROUP also has another vehicle deck above the lower vehicle deck. In all cases, these vehicle decks are "open" decks and not subject to CFTR 152. Although there are height and weight restrictions on upper vehicle decks, these decks possess the same attributes for rapid loading and unloading:

- drive thru end to end vehicle deck
- visors or gates at each end
- multiple stairwells and elevators between the vehicle deck and the passenger decks

Each vessel in the VESSEL GROUP is able to load and unload each vehicle deck simultaneously due to double stacked, two ramp shore-side berth structures or vehicle deck hatch arrangements. Vehicle loading and unloading is a continuous operation. For passenger safety, due to vehicle movement in adjacent deck lanes, it is not possible for all passengers to exit vehicles until loading is completed. For the same reason prior to unloading, all passengers must be secure in their vehicles.

The application of CFTR 152 to the VESSEL GROUP is a significant passenger inconvenience for a period of risk mitigation ranging from 35% to 75% of a passenger's total time on board the vessel. Accordingly there is a high incidence of non-compliant passenger behaviour. BC Ferries assessment of the risks inherent in the "closed deck" of vessels in the VESSEL GROUP has taken into account these behavioural aspects and has for many years instituted procedures and relied on standard features to reduce the risks to ALARP status.

Vessel systems:

FOIPP Act, ss. 15 and 19

Vessel Procedures:

Passengers Requiring Assistance:

FOIPP Act, ss. 15 and 19

Organizational Support:

FOIPP Act, ss. 15 and 19

Specific concerns have been recently expressed by Transport Canada regarding risks to passengers remaining on a closed deck are:

- not receiving the safety briefing;
- not hearing the PA system;
- lack of situational awareness;
- sufficient evacuation time and route
- o taking into account IMO guidelines, but also additional factors not addressed in the IMO MSC Circular such potential obstruction of evacuation route by cars/open doors, response time to help persons with reduced mobility and young children from within the vehicle, etc.;
- vehicle fire on deck (smoke, toxicity);
- proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle
- adequate surveillance by crew during transit, and
- orderly evacuation (crowd control)

As a result of the concerns raised by Transport Canada, BC Ferries is compelled to make an application to the Marine Technical Review Board. The intent of this application is to describe in detail the manner in which BC Ferries approaches the requirements of CFR 152 for this VESSEL GROUP. A vessel by vessel, route by route decision of the MTRB shall be expected to remove ambiguity on this matter for the AR, Transport Canada, and travelling passengers.

In this application, BC Ferries acknowledges that it is not feasible in the operation of the vessels in this VESSEL GROUP to assure literal compliance with the requirement that "every passenger shall keep off a closed vehicle deck on a vessel that is under way." Therefore, the alternate is proposed to mitigate the risk of passenger presence on the closed deck and to allow for changes in passenger habit over time as a result of measures to educate and encourage.

2. Details of regulatory requirements - Détails des exigences réglementaires

Closed Vehicle Decks

152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger

- (a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or
- (b) is accompanied by a crew member, if there are packaged goods on the deck.

3. Proposed alternative to the regulation requirement - Solution proposée en remplacement de l'exigence réglementaire

As it is not feasible to the forcibly remove non-compliant passengers from vehicles and as it is not feasible to physically secure all access routes to the "closed deck" it is proposed that additional measures be applied to the VESSEL GROUP:

- to educate and inform passengers of the regulatory requirement, and
- to explain, as necessary, the reasons for the regulation.

A nominal 15 minutes at the start and at the end of the voyage (crossing) shall be allowed to provide time for passengers to exit from the "closed deck" after departure and to return to the "closed deck" before arrival.

On crossings where the total time for which the "closed deck" can be effectively cleared is less than 50% of the crossing time (e.g., a 45 minute crossing time) higher levels of passenger non-compliance will be tolerated.

Specific types of vehicles to be exempted: ambulances and other emergency vehicles; sheriff's

<p>vehicles (prisoner transport), vehicles and trailers conveying large animals.</p>
<p>4. Reason why regulatory requirement cannot be met or why alternative proposal is preferable Raison pour laquelle l'exigence réglementaire ne peut pas être respectée ou pour laquelle la solution de rechange est jugée préférable</p> <p>It is not feasible to forcibly remove non-compliant passengers from vehicles and it is not feasible to physically secure all access routes to the "closed deck" on a short run ferry crossing.</p> <p>Specific types of vehicles need to be exempted to mitigate other risks associated with transport: ambulances and other emergency vehicles, sheriff's vehicles (prisoner transport), vehicles and trailers conveying large animals.</p>
<p>5. Reason why safety and the environment will not be compromised – Raison pour laquelle il n'y a pas de risque pour la sécurité et l'environnement</p> <p>Over decades of operation on short duration crossings (<180 minutes) the BC Ferries crew have actively managed the ro-ro deck spaces and have achieved a high success rate by eliminating hazards quickly and attending to the passengers that have remained in their vehicles on the closed vehicle deck.</p> <p>Statistics on fire or dangerous goods incidents for each vessel and service route are maintained in the company email reporting system since April 2009. (See 7. Reference Notes in the BC Ferries letter [email] of request).</p> <ul style="list-style-type: none"> • Fire incidents reported at a rate of 2 in 10,000 sailings • DG incidents reported at a rate of 1 in 10,000 sailings <p>The record shows that these incidents have been managed without escalating past the response of the deck fire team using portable equipment.</p>
<p>6. Potential risks to safety and the environment – Risques possibles pour la sécurité et l'environnement</p> <p>Notwithstanding past success in mitigating this risk, BCF agrees that more should be done to limit access of passengers to closed vehicle decks and therefore intends to implement additional measures as detailed here in the Conditions.</p>
<p>7. Proposed conditions* – Conditions proposées*</p> <p>(a) Instructional pamphlets provided to vehicles at the ticketing booth that include the statement to advise passengers that regulation requires that passengers shall not remain on closed vehicle decks on a vessel that is in transit.</p> <p>(b) Signage on the "closed deck" advising that passengers must exit the Vehicle deck during the voyage.</p> <p>(c) PA announcement advising passengers to exit the "closed deck."</p> <p>(d) 15 minutes at the start and at the end of the voyage (crossing) shall be allowed to provide time for passengers to exit from the "closed deck" after departure and to return to the "closed deck" before arrival.</p> <p>(e) Passengers shall be allowed to remain with ambulances and other emergency vehicles, sheriff's vehicles (prisoner transport), and vehicles and trailers conveying large animals.</p> <p>(f) Continuous vehicle deck patrol by crew members who, where feasible, will converse with non-compliant passengers in a non-confrontational fashion.</p> <p>(g) Compliance monitoring information shall be reported to Transport Canada after 12 months.</p>

RECOMMENDATIONS-REGIONAL PROCESS – RECOMMANDATIONS-PROCESSUS DE LA REGION					
Required notifications – Avis requis IMO notification required Avis requis à l'OMI <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Delegated classification society notification required Avis requis de la société de classification <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Grant Accepté	Deny Rejeté
Originator – Initiateur		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
TCC manager – Gestionnaire de CTC		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Regional Director – Directeur régional		Signature		Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>

RECOMMENDATIONS-CLASSIFICATION SOCIETY – RECOMMANDATIONS-SOCIÉTÉ DE CLASSIFICATION					
Required notifications – Avis requis IMO notification required Avis requis à l'OMI <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Delegated classification society notification required Avis requis de la société de classification <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Grant Accepté	Deny Rejeté
Originator – Initiateur		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Principal Surveyor – Expert maritime principal		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
TCC manager – Gestionnaire de CTC		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Regional Director – Directeur régional		Signature		Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>

PANEL VOTES – HQS PROCESS* – VOTES DE LA FORMATION-PROCESSUS DE L'AC*					
				Grant Accepté	Deny Rejeté
Member 1 (print name) Membre 1 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 2 (print name) Membre 2 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 3 (print name) Membre 3 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 4 (print name) Membre 4 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Chair (print name) Président (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Chair second vote in case of a tie (print name) Président - deuxième vote en cas d'égalité (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>

* Indicate any and all conditions to be attached to this exemption or replacement should the application be granted.
* Indiquer les conditions auxquelles la demande d'exemption ou de remplacement devrait être approuvée.

² Striking panels

27.(1) when an application is made under subsection 28(1), the Chair must strike a panel of at least three persons.

Constitution

(2) Each panel consists of the Chair and the persons appointed by the Chair.

³ Constitution de formation

27.(1) sur réception de la demande visée au paragraphe 28(1), le président constitue une formation composée d'au moins trois personnes.

Composition

(2) La formation est composée du président et des autres personnes nommées par celui-ci.

Peterson, Greg

From: Peterson, Greg
Sent: February 01, 2017 12:38 PM
To: Myers, Yvette; Chowdrey, Makhan; Yeung, To For; Tewari, Aloak; Johnston, Darren; Marshall, Captain Jamie
Subject: **Feb 2 Telecon Materials DRAFT MTRB Request - Passengers on the Vehicle Deck (for discussion)
Attachments: BCF-TC Summary MTRB-CFTR 152-1 proposal-Feb2017.pdf; BCF-MTRB-VESSEL_GROUP-PassengersOnCardeck.pdf
Importance: High

****Please find materials attached for tomorrow's discussion of BC Ferries DRAFT MTRB for Passengers on the Vehicle Deck. Since it is a telecon, not a webex, you will need these attachments to follow****

Materials:

1. Powerpoint Presentation Summary (attached) – will be used as the Agenda
2. MTRB Application DRAF (attached) – TC application form
3. AR Letter of Request (Inserted below)

{AR Letter of Request for MTRB Decision}

Note that this request is provided in a Generic letter format for all the vessels named in the VESSEL GROUP. The content of the MTRB decision request letter for each vessel shall be identical, therefore a common MTRB request is provided for purposes of processing efficiency.

In the same manner a Generic VESSEL GROUP MTRB application (TC form 80-0007 (1202-07)) is also provided as a sample.

PROJECT or EVENT		VESSEL	DATE
Regulatory Change		VESSEL GROUP	2017-JAN-20
SUBJECT			
Passengers on Closed Vehicle Deck Cargo Fumigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck			
RO	PRECEDENTS	APPLICATION TYPE	DECISION DEADLINE
LR, ABS	M10741	MTRB or Letter of Policy	ASAP
1. EQUIPMENT/STRUCTURAL INFORMATION			
VESSEL GROUP: The vessels included in this request for variance are the ro/ro ferries of the BC Ferries' coasta fleet that meet the definition of a having a "closed deck" and operate on routes for which the posted crossing time is 2 hours or less. The vessels included in this VESSEL GROUP are described below by construction group (sister vessels) where applicable, operate in the Straits of Georgia (Salish Sea) and are non-Convention vessels (i.e., are not certified or built for International voyages):			
QUEEN OF NEW WESTMINSTER; C-CLASS (5): QUEEN OF ALBERNI, QUEEN OF COQUITLAM, QUEEN OF COWICHAN, QUEEN OF SURRY, QUEEN			

OF OAK BAY;

S-CLASS (2): SPIRIT OF BRITISH COLUMBIA, SPIRIT OF VANCOUVER ISLAND

COASTAL CLASS (3): COASTAL RENAISSANCE, COASTAL INSPIRATION, COASTAL CELEBRATION

SALISH CLASS (3): SALISH ORCA, SALISH EAGLE (registry pending), SALISH RAVEN (registry pending)

An MTRB request for each vessel in the VESSEL GROUP shall need to be prepared from the content of this master VESSEL GROUP request. It is proposed that this VESSEL GROUP request can assist the Transport Canada MTRB Secretariat in expediting the process for all the vessels.

Closed Deck: The term "closed deck" is not defined in the Cargo Fumigation & Tackle Regulation nor is the term defined elsewhere in CSA 2001. The closest SOLAS definition is "Closed vehicle spaces are vehicle spaces which are neither open vehicle spaces nor weather decks."

For the purpose of this request for decision, the AR withholds any applicability arguments on the basis of the "closed deck" definition. The AR has requested a Letter of Policy on the applicability of CFTR 152 and has been advised by Transport Canada that a request to the MTRB should be made. The vehicle decks of vessels in this VESSEL GROUP have differences in opening arrangements that could be interpreted as not constituting a "closed deck."

For each vessel in this VESSEL GROUP, the de facto "closed deck" is the lower vehicle deck compartment on the freeboard/bulkhead deck. The vessels must achieve rapid loading and unloading to facilitate the necessary high number of ferry crossings servicing the metropolitan Vancouver area the coastal islands and fjords. The relevant attributes of the vehicle deck design include:

- drive thru end to end vehicle deck (bow height, sill height and bulkhead exemptions)
- bow and stern doors (of various configurations and degrees of weathertightness)
- multiple stairwells and elevators between the vehicle deck and the passenger decks

Each vessel in the VESSEL GROUP also has another vehicle deck above the lower vehicle deck. In all cases, these vehicle decks are "open" decks and not subject to CFTR 152. Although there are height and weight restrictions on upper vehicle decks, these decks possess the same attributes for rapid loading and unloading:

- drive thru end to end vehicle deck
- visors or gates at each end
- multiple stairwells and elevators between the vehicle deck and the passenger decks

Each vessel in the VESSEL GROUP is able to load and unload each vehicle deck simultaneously due to double stacked, two ramp shore-side berth structures or vehicle deck hatch arrangements. Vehicle loading and unloading is a continuous operation. For passenger safety, due to vehicle movement in adjacent deck lanes, it is not possible for all passengers to exit vehicles until loading is completed. For the same reason prior to unloading, all passengers must be secure in their vehicles.

2. BACKGROUND and REASON for REQUEST

The application of CFTR 152 to the VESSEL GROUP is a significant passenger inconvenience for a period of risk mitigation ranging from 35% to 75% of a passenger's total time on board the vessel. Accordingly there is a high incidence of non-compliant passenger behaviour. BC Ferries assessment of the risks inherent in the "closed deck" of vessels in the VESSEL GROUP has taken into account these behavioural aspects and has for many years instituted procedures and relied on standard features to reduce the risks to ALARP status.

Vessel systems:

FOIPP Act, ss. 15 and 19

Vessel Procedures:

FOIPP Act, ss. 15 and 19

Passengers Requiring Assistance:

FOIPP Act, ss. 15 and 19

Organizational Support:

FOIPP Act, ss. 15 and 19

Specific concerns have been recently expressed by Transport Canada regarding risks to passengers remaining on a closed deck are:

- not receiving the safety briefing;
- not hearing the PA system;
- lack of situational awareness;
- sufficient evacuation time and route
 - taking into account IMO guidelines, but also additional factors not addressed in the IMO MSC Circular such potential obstruction of evacuation route by cars/open doors, response time to help persons with reduced mobility and young children from within the vehicle, etc.;
- vehicle fire on deck (smoke, toxicity);
- proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle
- adequate surveillance by crew during transit, and
- orderly evacuation (crowd control)

As a result of the concerns raised by Transport Canada, BC Ferries is compelled to make an application to the Marine Technical Review Board. The intent of this application is to describe in detail the manner in which BC Ferries approaches the requirements of CFTR 152 for this VESSEL GROUP. A vessel by vessel, route by route decision of the MTRB shall be expected to remove ambiguity on this matter for the AR, Transport Canada, and travelling passengers.

In this application, BC Ferries acknowledges that it is not feasible in the operation of the vessels in this VESSEL GROUP to assure literal compliance with the requirement that "every passenger shall keep off a closed vehicle deck on a vessel that is under way." Therefore, the alternate is proposed to mitigate the risk of passenger presence on the closed deck and to allow for changes in passenger habit over time as a result of measures to educate and encourage.

3. REQUIREMENTS OF STATUTES, STANDARDS or RULES

Voyage Classification	Near Coastal Voyage, Class 2, Limited Home Trade III
Source	Canada Shipping Act Cargo, Fumigation and Tackle Regulations SOR/2007-128
Section	Closed Vehicle Decks 152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger (a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or (b) is accompanied by a crew member, if there are packaged goods on the deck. (2) Subsection (1) does not apply when passengers are directed to return to their vehicles before the vessel docks.
Other citations	SOLAS CH II-1 Construction Part B-4 - Stability Management, Regulation 23 - Special requirements for ro-ro passenger ships states: 9. In all ro-ro passenger ships, the master or the designated officer shall ensure that, without the expressed consent of the master or the designated officer, no passengers are allowed access to an enclosed ro-ro deck when the ship is under way. M10741 COASTAL CELEBRATION, June 7, 2013 Condition (c). Despite condition (a), the vessel need not comply with the major variances identified in sections 4.1, 4.2 and 4.3 of the risk assessment "BC Ferries Super C Class Risk Assessment of the Design and Construction Regulatory Requirements" dated February 2005 and submitted by BMT Fleet Technology (RDIMS# 1108797), if the risk mitigating recommendations identified in sections 5.1, 5.2 and 5.3 are complied with: RDIMS# 1108797 5.3 Passenger Access to Vehicle Decks As a key operational requirement, it is necessary for passengers to have access to the Main Vehicle Deck during transit. It is considered that the preferred design is acceptable to allow passengers on that deck, and that it meets the intent of the regulations. However, the following features must be ensured: <ul style="list-style-type: none"> • Suitable and effective means of rapid and effective providing firefighting. • Additional escape routes are considered. • Passenger transit routes are considered. • Fire patrols are provided on the MVD, to provide passenger guidance and supervision. • Scuppers and Drains are fitted in accordance with SOLAS (125% of maximum deluge capacity). • All electrical fittings meet TP127 for electrical components in petrol environments.
Specific provisions for Variance	"Every passenger shall keep off a closed vehicle deck."
4. PROPOSED ALTERNATIVES - the means of achieving an equivalent level of safety	
Description	As it is not feasible to forcibly remove non-compliant passengers from vehicles and as it is not feasible to physically secure all access routes to the "closed deck" it is proposed that additional measures be applied to the VESSEL GROUP: <ul style="list-style-type: none"> • to educate and inform passengers of the regulatory requirement, and • to explain, as necessary, the reasons for the regulation. <p>A nominal 15 minutes at the start and at the end of the voyage (crossing) shall be allowed to provide time for passengers to exit from the "closed deck" after departure and to return to the "closed deck" before arrival.</p> <p>On crossings where the total time for which the "closed deck" can be effectively cleared is less than 50% of the crossing time (e.g., a 45 minute crossing time) higher</p>

levels of passenger non-compliance will be tolerated.

Specific types of vehicles to be exempted: ambulances and other emergency vehicles; sheriff's vehicles (prisoner transport), vehicles and trailers conveying large animals.

Risk Mitigation

Over decades of operation on short duration crossings (<180 minutes) the BC Ferries crew have actively managed the ro-ro deck spaces and have achieved a high success rate by eliminating hazards quickly and attending to the passengers that have remained in their vehicles on the closed vehicle deck.

Statistics on fire or dangerous goods incidents for each vessel and service route are maintained in the company ISall reporting system since April 2009. (See 7. Reference Notes).

- Fire incidents reported at a rate of 2 in 10,000 sailings
- DG incidents reported at a rate of 1 in 10,000 sailings

The record shows that these incidents have been managed without escalating past the response of the deck fire team using portable equipment. Notwithstanding past success in mitigating this risk, BCF agrees that more should be done to limit access of passengers to closed vehicle decks and therefore intends to implement additional measures as detailed here in the Conditions.

5. PROPOSED CONDITIONS – If not met, the alternative ceases to continue in effect

(a) Instructional pamphlets provided to vehicles at the ticketing booth that include the statement to advise passengers that regulation requires that passengers shall not remain on closed vehicle decks on a vessel that is in transit.

(b) Signage on the "closed deck" advising that passengers must exit the Vehicle deck during the voyage.

(c) PA announcement advising passengers to exit the "closed deck."

(d) Continuous vehicle deck patrol by crew members that where feasible will converse with non-compliant passengers in a non-confrontational fashion.

6. SUPPORTING DOCUMENTATION

BCF Route schedule(s) for the vessels (BC Ferries website)
BCF Fleet Fire and Dangerous Goods Event Data

7. REFERENCE NOTES

BCF Fleet Fire and Dangerous Goods Event Data for VESSEL GROUP

TOTAL SAILINGS – April 1, 2009 to December 31, 2016 (Fiscal year April to March identified by year ending)

Vessels		F2010	F2011	F2012	F2013	F2014	F2015	F2016	F2017	TOTALS
NW	NW	1,483	1,577	1,266	916	860	1,024	1,068	1,168	9,362
C Class	ALB	2,408	2,480	2,184	2,434	2,450	2,322	2,374	1,650	18,302
	COQ	1,299	2,215	2,723	1,563	2,158	2,097	2,355	1,746	16,156
	COW	1,320	2,217	1,874	2,035	1,904	1,989	1,631	950	13,920
	OAK	2,651	2,472	2,563	2,625	2,721	2,167	2,212	2,160	19,571

	SUR	5,278	4,206	4,332	5,207	4,607	4,917	4,658	3,824	37,029
S Class	SBC	2,491	2,365	2,083	2,136	1,979	2,034	2,426	2,104	17,618
	SVI	2,454	2,204	2,092	2,046	2,048	2,022	1,941	1,813	16,620
Coastal Class	CEL	1,702	1,852	1,845	1,932	1,874	1,948	2,015	1,401	14,569
	INS	2,458	2,300	2,335	2,340	2,365	2,495	2,424	1,854	18,571
	REN	1,906	1,519	2,111	2,004	2,122	2,074	2,240	1,142	15,118
										196,836

FIRE INCIDENTS - April 1, 2009 to December 31, 2016 (Fiscal year April to March identified by year ending)

Vessels		F2010	F2011	F2012	F2013	F2014	F2015	F2016	F2017	TOTALS
NW	NW	2			1	1				4
C Class	ALB	1	1	1				2		5
	COQ		1	2		1	1			5
	COW	1				1	2			4
	OAK	1					2	1		4
	SUR						1			1
S Class	SBC	1	4	1		2	1	1		10
	SVI	1		1		1	2			5
Coastal Class	CEL		1					1		2
	INS									
	REN				1		1			2
										42

DANGEROUS GOODS INCIDENTS - April 1, 2009 to December 31, 2016 (Fiscal year April to March identified by year ending)

Vessels		F2010	F2011	F2012	F2013	F2014	F2015	F2016	F2017	TOTALS
NW	NW			1						1
C Class	ALB	1	1					1		3
	COQ			1	1					2
	COW							1		1
	OAK	1								1
	SUR									
S Class	SBC							1		1

	SVI	1		2	1			1		5
Coastal Class	CEL	1						1		2
	INS							2		2
	REN					1				1
										19

Greg Peterson
Director Engineering Services
Engineering
British Columbia Ferry Services Inc.
 12800 Rice Mill Rd, Richmond, BC, V6W 1A1

[Redacted] FOIPP Act, ss. 15, 19 and 22
greg.peterson@bcferries.com
bcferries.com | Facebook | Twitter

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**REQUEST FOR DECISION OF THE MARINE TECHNICAL REVIEW BOARD (MTRB)
DEMANDE DE DÉCISION DU BUREAU D'EXAMEN TECHNIQUE EN MATIÈRE MARITIME (BETMM)**

DECISION INFORMATION - INFORMATION SUR LA DÉCISION			
Decision number - Numéro de la décision		Proposed expiry date (dd-mm-yyyy) Date d'expiration proposée (jj-mm-aaaa)	
Office - Bureau		Date (dd-mm-yyyy / jj-mm-aaaa)	
VESSEL DETAILS - DESCRIPTION DU BÂTIMENT			
Vessel name - Nom du bâtiment SC FERRIES "VESSEL GROUP"		IMO number Numéro OMI	Official number Numéro de matricule
Vessel type description - Description du type de bâtiment			File number Numéro de dossier
			Year built - Année de construction
Gross tonnage - Jauge brute	Length - Longueur	Passengers - Passagers	Crew - Équipage
Construction material - Matériaux de construction			
Last major modification - Dernière modification majeure			
Power type - Type de propulsion		kW - kW	Screws - Hélices

Voyage limitation - Limite des voyages Near Coastal 2 Sheltered Waters (Horseshoe Bay to Langdale)
Subject - Objet Passengers on Closed Vehicle Deck Cargo Fumigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck
RDIMS nos - request for MTRB decision/background - N°s SDGGI - demande de décision au sujet de BETMM/information connexe
Regulation reference* - Référence réglementaire* Canada Shipping Act Cargo, Fumigation and Tackle Regulations SOR/2007-128 Section 152 (1)
Precedents - Précédents ML0741 COASTAL CELEBRATION, June 7, 2013, Condition (c)

* All requests must have a reference to at least one regulation under the *Canada Shipping Act, 2001*.
* Toutes les demandes doivent comporter un renvoi à au moins un règlement pris en vertu de la *Loi de 2001 sur la marine marchande du Canada*.

1. Review - Revue

VESSEL GROUP: The vessels included in this request for variance are the ro/ro ferries of the BC Ferries' coastal fleet that meet the definition of a having a "closed deck" and operate on routes for which the posted crossing time is 2 hours or less. The vessels included in this VESSEL GROUP are described below by construction group (sister vessels) where applicable, operate in the Straits of Georgia (Salish Sea) and are non-Convention vessels (i.e., are not certified or built for international voyages):

QUEEN OF NEW WESTMINSTER:

C-CLASS (5): QUEEN OF ALBERTA, QUEEN OF COQUITLAM, QUEEN OF COMICHAN, QUEEN OF SURRY, QUEEN OF OAK BAY;

S-CLASS (2): SPIRIT OF BRITISH COLUMBIA, SPIRIT OF VANCOUVER ISLAND

COASTAL CLASS (3): COASTAL RENAISSANCE, COASTAL INSPIRATION, COASTAL CELEBRATION

SALISH CLASS (3): SALISH ORCA, SALISH EAGLE (registry pending), SALISH RAVEN (registry pending)

An MTRB request for each vessel in the VESSEL GROUP shall need to be prepared from the content of this master VESSEL GROUP request. It is proposed that this VESSEL GROUP request can assist the Transport Canada MTRB Secretariat in expediting the process for all the vessels.

Closed Deck: The term "closed deck" is not defined in the Cargo Fumigation & Tackle Regulation nor is the term defined elsewhere in CGA 2001. The closest SOLAS definition is "Closed vehicle spaces are vehicle spaces which are neither open vehicle spaces nor weather decks."

For the purpose of this request for decision, the AR withholds any applicability arguments on the basis of the "closed deck" definition. The AR has requested a Letter of Policy on the applicability of CFR 152 and has been advised by Transport Canada that a request to the MTRB should be made. The vehicle decks of vessels in this VESSEL GROUP have differences in opening arrangements that could be interpreted as not constituting a "closed deck."

For each vessel in this VESSEL GROUP, the de facto "closed deck" is the lower vehicle deck compartment on the freeboard/bulkhead deck. The vessels must achieve rapid loading and unloading to facilitate the necessary high number of ferry crossings servicing the metropolitan Vancouver area the coastal islands and fjords. The relevant attributes of the vehicle deck design include:

- drive thru end to end vehicle deck (bow height, sill height and bulkhead exceptions)
- bow and stern doors (of various configurations and degrees of weathertightness)
- multiple stairwells and elevators between the vehicle deck and the passenger decks

Each vessel in the VESSEL GROUP also has another vehicle deck above the lower vehicle deck. In all cases, these vehicle decks are "open" decks and not subject to CFR 152. Although there are height and weight restrictions on upper vehicle decks, these decks possess the same attributes for rapid loading and unloading:

- drive thru end to end vehicle deck
- visors or gates at each end
- multiple stairwells and elevators between the vehicle deck and the passenger decks

Each vessel in the VESSEL GROUP is able to load and unload each vehicle deck simultaneously due to double stacked, two ramp shore-side berth structures or vehicle deck hatch arrangements. Vehicle loading and unloading is a continuous operation. For passenger safety, due to vehicle movement in adjacent deck lanes, it is not possible for all passengers to exit vehicles until loading is completed. For the same reason prior to unloading, all passengers must be secure in their vehicles.

The application of CFR 152 to the VESSEL GROUP is a significant passenger inconvenience for a period of risk mitigation ranging from 35% to 75% of a passenger's total time on board the vessel. Accordingly there is a high incidence of non-compliant passenger behaviour. BC Ferries assessment of the risks inherent in the "closed deck" of vessels in the VESSEL GROUP has taken into account these behavioural aspects and has for many years instituted procedures and relied on standard features to reduce the risks to ALARP status.

FOIPP Act, ss. 15 and 19

Vessel systems:

Vessel Procedures:



Passengers Requiring Assistance:



Organizational Support:



Specific concerns have been recently expressed by Transport Canada regarding risks to passengers remaining on a closed deck are:

- not receiving the safety briefing;
 - not hearing the PA system;
 - lack of situational awareness;
 - sufficient evacuation time and route
 - taking into account IMO guidelines, but also additional factors not addressed in the IMO MEC Circular such potential obstruction of evacuation route by cars/open doors, response time to help persons with reduced mobility and young children from within the vehicle, etc.;
 - vehicle fire on deck (smoke, toxicity);
 - proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle
 - adequate surveillance by crew during transit, and
 - orderly evacuation (crowd control)
-

As a result of the concerns raised by Transport Canada, BC Ferries is compelled to make an application to the Marine Technical Review Board. The intent of this application is to describe in detail the manner in which BC Ferries approaches the requirements of CFTR 152 for this VESSEL GROUP. A vessel by vessel, route by route decision of the MTRB shall be expected to remove ambiguity on this matter for the AB, Transport Canada, and travelling passengers.

In this application, BC Ferries acknowledges that it is not feasible in the operation of the vessels in this VESSEL GROUP to assure literal compliance with the requirement that "every passenger shall keep off a closed vehicle deck on a vessel that is under way." Therefore, the alternate is proposed to mitigate the risk of passenger presence on the closed deck and to allow for changes in passenger habit over time as a result of measures to educate and encourage.

2. Details of regulatory requirements - Détails des exigences réglementaires

Closed Vehicle Decks

152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger

(a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or

(b) is accompanied by a crew member, if there are packaged goods on the deck.

3. Proposed alternative to the regulation requirement - Solution proposée en remplacement de l'exigence réglementaire

As it is not feasible to forcibly remove non-compliant passengers from vehicles and as it is not feasible to physically secure all access routes to the "closed deck" it is proposed that additional measures be applied to the VESSEL GROUP:

- to educate and inform passengers of the regulatory requirement, and
- to explain, as necessary, the reasons for the regulation.

A nominal 15 minutes at the start and at the end of the voyage (crossing) shall be allowed to provide time for passengers to exit from the "closed deck" after departure and to return to the "closed deck" before arrival.

On crossings where the total time for which the "closed deck" can be effectively cleared is less than 50% of the crossing time (e.g., a 45 minute crossing time) higher levels of passenger non-compliance will be tolerated.

Specific types of vehicles and passengers to be exempted: ambulances and other emergency

vehicles; sheriff's vehicles (prisoner transport), vehicles and trailers conveying large animals.

4. Reason why regulatory requirement cannot be met or why alternative proposal is preferable

Raison pour laquelle l'exigence réglementaire ne peut pas être respectée ou pour laquelle la solution de rechange est jugée préférable

It is not feasible to forcibly remove non-compliant passengers from vehicles and it is not feasible to physically secure all access routes to the "closed deck" on a short run ferry crossing.

Specific types of vehicles and passengers need to be exempted due to the greater risks of persons leaving the vehicles: ambulances and other emergency vehicles; sheriff's vehicles (prisoner transport), vehicles and trailers conveying large animals.

5. Reason why safety and the environment will not be compromised - Raison pour laquelle il n'y a pas de risque pour la sécurité et l'environnement

Over decades of operation on short duration crossings (<180 minutes) the BC Ferries crew have actively managed the re-reck deck spaces and have achieved a high success rate by eliminating hazards quickly and attending to the passengers that have remained in their vehicles on the closed vehicle deck.

Statistics on fire or dangerous goods incidents for each vessel and service route are maintained in the company email reporting system since April 2009. (See 7. Reference Notes in the BC Ferries letter [email] of request).

- Fire incidents reported at a rate of 2 in 10,000 sailings
- DG incidents reported at a rate of 1 in 10,000 sailings

The record shows that these incidents have been managed without escalating past the response of the deck fire team using portable equipment.

6. Potential risks to safety and the environment - Risques possibles pour la sécurité et l'environnement

Notwithstanding past success in mitigating this risk, BCF agrees that more should be done to limit access of passengers to closed vehicle decks and therefore intends to implement additional measures as detailed here in the Conditions.

7. Proposed conditions² - Conditions proposées²

- (a) Instructional pamphlets provided to vehicles at the ticketing booth that include the statement to advise passengers that regulation requires that passengers shall not remain on closed vehicle decks on a vessel that is in transit.
- (b) Signage on the "closed deck" advising that passengers must exit the Vehicle deck during the voyage.
- (c) PA announcement advising passengers to exit the "closed deck."
- (d) Continuous vehicle deck patrol by crew members that where feasible will converse with non-compliant passengers in a non-confrontational fashion.

RECOMMENDATIONS-REGIONAL PROCESS – RECOMMANDATIONS-PROCESSUS DE LA RÉGION					
Required notifications – Avis requis IMO notification required / Avis requis à l'OMI <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Delegated classification society notification required Avis requis de la société de classification <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Grant / Accepté	Deny / Rejeté
Originator – Initiateur		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
TCC manager – Gestionnaire de CTC		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Regional Director – Directeur régional		Signature		Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>

RECOMMENDATIONS-CLASSIFICATION SOCIETY – RECOMMANDATIONS-SOCIÉTÉ DE CLASSIFICATION					
Required notifications – Avis requis IMO notification required / Avis requis à l'OMI <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Delegated classification society notification required Avis requis de la société de classification <input type="checkbox"/> Yes – Oui <input type="checkbox"/> No – Non		Grant / Accepté	Deny / Rejeté
Originator – Initiateur		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Principal Surveyor – Expert maritime principal		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
TCC manager – Gestionnaire de CTC		Date (dd-mm-yyyy / jj-mm-aaaa)		<input type="checkbox"/>	<input type="checkbox"/>
Regional Director – Directeur régional		Signature		Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>

PANEL VOTES – HQs PROCESS ² – VOTES DE LA FORMATION-PROCESSUS DE L'AC ²					
				Grant / Accepté	Deny / Rejeté
Member 1 (print name) Membre 1 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 2 (print name) Membre 2 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 3 (print name) Membre 3 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Member 4 (print name) Membre 4 (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Chair (print name) Président (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>
Chair second vote in case of a tie (print name) Président – deuxième vote en cas d'égalité (en lettres moulées)	Position	Signature	Date (dd-mm-yyyy / jj-mm-aaaa)	<input type="checkbox"/>	<input type="checkbox"/>

² Indicate any and all conditions to be attached to this exemption or replacement should the application be granted.
² Indiquer les conditions auxquelles la demande d'exemption ou de remplacement devrait être approuvée.

³ Striking panels
 27.(1) when an application is made under subsection 28(1), the Chair must strike a panel of at least three persons.
 Constitution

(2) Each panel consists of the Chair and the persons appointed by the Chair.

³ Constitution de formation

27.(1) sur réception de la demande visée au paragraphe 28(1), le président constitue une formation composée d'au moins trois personnes.

Composition

(2) La formation est composée du président et des autres personnes nommées par celui-ci.

Johnston, Darren

From: Tremblay, Luc [<mailto:luc.tremblay@tc.gc.ca>]
Sent: January 23, 2017 11:16 AM
To: Peterson, Greg; Tikhvinski, Ivan; Sewelam, Ahmed
Subject: RE: Presenting an IWS proposal to TC Ottawa

Hi Greg,

February 8, works for me, if we can have a proper room.
For the MTRB, I will reach out to Cedric for availability.

Ivan, can you book a video-conference room. There will be 6 to 8 persons here.

Ahmed, I would like to invite regional inspection managers to the presentation, I will brief you on the discussion I had with Greg last Friday before you reach out.

Thanks,

Luc

From: Peterson, Greg [<mailto:Greg.Peterson@bcferries.com>]
Sent: Monday, January 23, 2017 10:04 AM
To: Tremblay, Luc <luc.tremblay@tc.gc.ca>
Subject: RE: Presenting an IWS proposal to TC Ottawa

****CORRECTION****

Hi Luc,

February 8 (not Feb 7) is the preferred date (allows the LR specialist from Israel to connect).

Greg

From: Peterson, Greg

Sent: January 23, 2017 5:54 AM
To: 'Tremblay, Luc'
Subject: RE: Presenting an IWS proposal to TC Ottawa

Hi Luc,

Would February 7 be a good day to make a presentation in Ottawa? This date will work for the Lloyds reps. A morning meeting would be preferable, perhaps between 10 am and 12 noon.

I would ask for 2 hours to make the presentation, the first hours with the Lloyds Register specialist explaining the certification program and the second hour just BC Ferries. I would also want to dial in a couple of colleagues from the west coast for the second hour.

Note: I would also propose that while I'm in Ottawa for the day that we might also discuss our MTRB (draft) submission for passengers on the vehicle decks.

regards

Greg

----- Message de réponse -----

De : "Peterson, Greg" <Greg.Peterson@bcferries.com> Pour : "Tremblay, Luc" <luc.tremblay@tc.gc.ca> Objet : Short chat about presenting an IWS proposal to TC Ottawa Date : mar., janv. 17, 2017 18:19

Hi Luc,

FOIPP Act, s. 22

While you are in Vancouver this week, I would like to get a few minutes aside with you and with [REDACTED] from LR to see if we can setup a briefing session in Ottawa with your team. The purpose would be to explain a Class certified process by which we would provide advance attestation to hull condition in an MTRB request for IWS beyond 15 years of vessel age.

This process would be of considerable expense to BC Ferries but less than the costs we will be incurring when denied IWS in lieu of docking. It is a priority issue for BCF and I have already been authorized to travel to Ottawa as necessary to make a detailed presentation.

If you are available, perhaps the best time would be prior to the 10 am start of the BCF, TC, RO session on Friday.

regards

Greg

Greg Peterson
Director Engineering Services
Engineering
British Columbia Ferry Services Inc.
12800 Rice Mill Rd, Richmond, BC, V6W 1A1

FOIPP Act, ss. 15, 19 and 22

[REDACTED] greg.peterson@bcferries.com <<mailto:greg.peterson@bcferries.com>>
<http://www.bcferries.com/>> | Facebook <<https://www.facebook.com/pages/BC-Ferries/119019564797374>> | Twitter <<https://twitter.com/BCFerries>>

BC Ferries & Transport Canada

Agenda

Tuesday, December 20, 2016
11:00 am - 1:00 pm
Transport Canada, 7th Fl., 800 Burrard Street
Boardroom 735

Transport Canada

- Yvette Myers, Regional Director
- Aloak Tewari, Manager, Inspection Services
- Mak Chowdrey, Manager, Technical Services

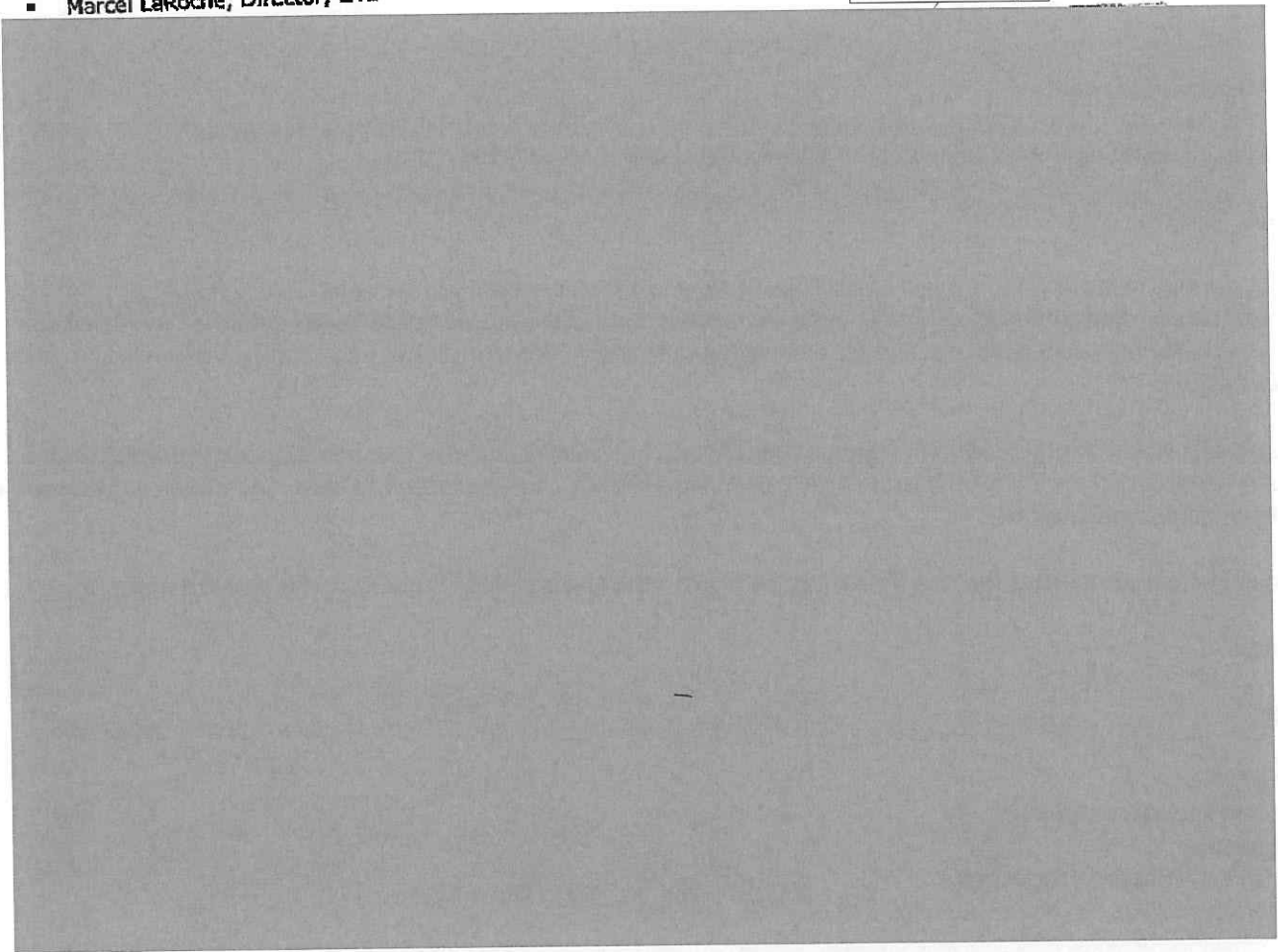
BC Ferries

- Capt. Jamie Marshall, Vice President, Fleet Operations
- Mark Wilson, Vice President, Engineering
- David Fagen, Executive Director, Safety & Health
- Bruce Paterson, Director, Naval Architecture
- Greg Peterson, Director, Engineering Services
- Jason Barabash, Corporate Counsel (by telephone)

Regrets

- Marcel LaRoche, Director, LNG

Outside scope



**BC FERRIES & TRANSPORT CANADA
MINUTES**

**Tuesday, December 20, 2015
11:00 am – 1:00 pm**

Transport Canada, 7th Fl., 800 Burrard Street, Vancouver

Transport Canada

- Yvette Myers, Regional Director
- Aloak Tewari, Manager, Inspection Services
- Mak Chowdrey, Manager, Technical Services
- Cap. Cedric Baumelle, Manager, National Marine Safety Program (by tel)
- Luc Tremblay, A/Executive Director, Domestic Vessels Regulatory Oversight & Boating Safety (by tel)

BC Ferries

- Capt. Jamie Marshall, Vice President, Fleet Operations
- Mark Wilson, Vice President, Engineering
- David Fagen, Executive Director, Safety & Health
- Greg Peterson, Director, Engineering Services
- Bruce Paterson, Director, Naval Architecture (by tel)
- Jason Barabash, Corporate Counsel (by tel)
- Darren Johnston, Director, Fleet Operations (by tel)

Guests

- Deborah Marshall, Executive Director, Public Affairs, BC Ferries
- Tom Wakefield, A/Regional Director, Communications, Transport Canada

Regrets:

- Marcel LaRoche, Director, LNG, BC Ferries

Outside scope



LIMITING PASSENGER ACCESS TO CLOSED VEHICLE DECKS

The agenda was amended to address first the policy regarding limiting passenger access to closed vehicle decks. Included in this portion of the meeting were Tom Wakefield, A/Regional Director, Public Affairs for Transport Canada and Deborah Marshall, Executive Director, Public Affairs for BC Ferries.

Yvette Myers advised that Transport Canada is drafting a briefing note for the Deputy Minister on this issue and once completed could be shared with BC Ferries.

Deborah Marshall provided some background information including that BC Ferries issued an employee notice on December 12th. This likely prompted the inquiries from media. Tom Wakefield noted that the media queries are currently inquisitive regarding the regulations.

Darren Johnston provided details around BC Ferries roll-out communications plan. On December 12th an internal memo was issued to employees outlining the new policy to align with the Transport Canada regulation with a February 15, 2017 Implementation

date. The next step in the process was to issue a media release on or about January 5, 2017. BC Ferries will be doing direct communication to customers closer to the implementation date (eg. brochures, signage, announcements, and social media).

There was a lengthy discussion regarding the background and implementation of the regulations. Amendments to the Cargo Regulations came into effect in July 2007 which triggered this issue. Luc Tremblay and Cedric Baumelle provided details on the Transport Canada viewpoint on the interpretation and application of the regulation. Transport Canada has had an ongoing dialogue on this regulation and implementing the consistent application of this regulation across Canada.

Darren Johnston noted that BC Ferries interpretation of the regulation was that compliance was being achieved through continuous car deck patrols on closed car decks. What has changed now is the interpretation of the regulation and BC Ferries is implementing a stricter interpretation. BC Ferries is also aligning themselves with other operators in Canada and how they are managing their fleets.

FOIPP Act, s. 21

It was agreed that Tom Wakefield and Deborah Marshall would work on an agreed to information statement for Transport Canada and BC Ferries. The briefing note would be shared with Luc Tremblay and Cedric Baumelle.

At this point, Deborah Marshall and Tom Wakefield departed the meeting.

Jamie Marshall raised the question as to whether the length of the route has any bearing on the application of the regulation. Luc Tremblay and Cedric Baumelle advised that the Cargo Regulations do not distinguish on the length/time of the route. They advised that Transport Canada could work with BC Ferries on an MTRB for routes shorter than 45 minutes provided adequate mitigation factors are in place.

Luc Tremblay advised that the only tool in place for this issue is an MTRB. The next step is for BC Ferries to come forward with a proposal and a discussion around how to mitigate the risks. He noted that Transport Canada understands the issue around the short run and is open to discuss the matter.

Bruce Paterson raised the *Queen of Surrey* and whether it is in fact a closed car deck ferry given the technical specifications. Luc Tremblay advised that all of these factors need to be considered and put into the MTRB evaluation.

Action Item: BC Ferries will do an analysis and risk assessment and submit an MTRB to Transport Canada regarding Route 3 and Route 9 when the Salish Class is in service.

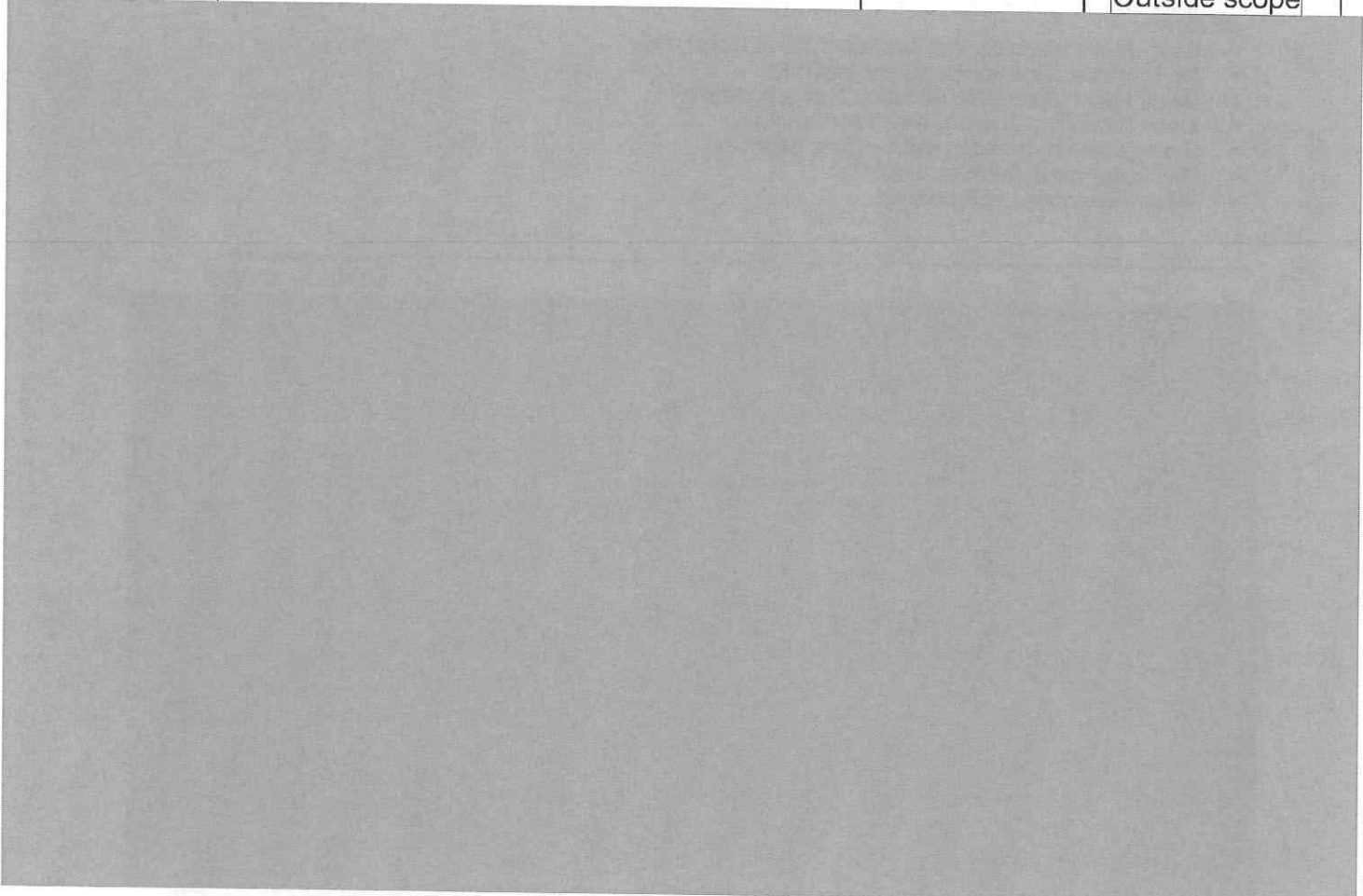
Darren Johnston requested clarification regarding allowing time for passengers to get up through elevators and stairways. It was confirmed by Luc Tremblay and Cedric Baumelle that there is no time duration in the Cargo Regulations so procedures can be adjusted to allow for the requirements to be met. Therefore the ship can depart the dock as the passengers are making their way up from the car decks.

At this point, Cedric Baumelle and Darren Johnston departed the meeting.

Note: content outside the scope of the request has been removed

BC FERRIES & TRANSPORT CANADA
ACTION ITEMS
as at December 21, 2016

Meeting Date	Action Item	Responsibility	Status
Dec. 20/16	Limiting Passenger Access to Closed Vehicle Decks <i>BC Ferries will do an analysis and risk assessment and submit an MTRB to Transport Canada regarding Route 3 and Route 9 when the Salish Class is in service.</i>	Bruce Paterson	Outside scope



BC FERRIES & TRANSPORT CANADA

MINUTES

Thursday, April 28, 2016

10:00 am – 12:00 pm

Transport Canada, 7th Fl., 800 Burrard Street, Vancouver

Transport Canada

- Yvette Myers, Regional Director
- Aloak Tewari, Manager, Inspection Services
- Mak Chowdrey, Manager, Technical Services
- Mimi Sukhdeo, Associate Regional Director, Pacific Region

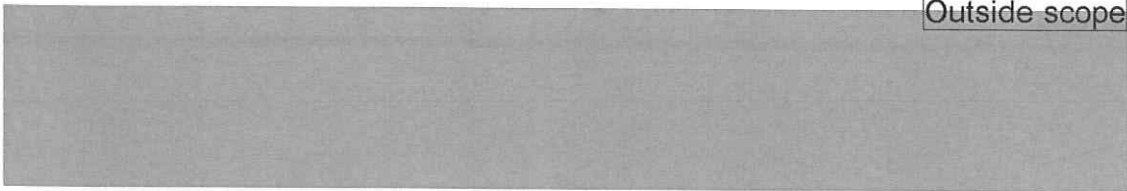
BC Ferries

- Capt. Jamie Marshall, Vice President, Fleet Operations
- Mark Wilson, Vice President, Engineering
- David Fagen, Executive Director, Safety & Health
- Bruce Paterson, Director, Naval Architecture
- Greg Peterson, Director, Engineering Services
- Marcel LaRoche, Director, LNG
- Jason Barabash, Legal Counsel

Outside scope



Outside scope



Jamie Marshall noted one follow-up item regarding passengers on vehicle decks. BC Ferries has had several meetings and will come to Transport Canada within the next couple of months. Mak Chowdrey recommended that BC Ferries state what improvements have been done (eg., signage, deck sweeping) to respond to concerns/issues.

Outside scope



From: Tremblay, Luc [<mailto:luc.tremblay@tc.gc.ca>]
Sent: April 12, 2016 10:16 AM
To: Peterson, Greg
Cc: Baumelle, Cédric; Nazha, Naim; Brisebois, Luc
Subject: RE: passengers off closed vehicle decks CFTR 152

Hi Greg,

Tuesday after the opening plenary would work for us. Cedric will attend with me and possibly Naim and Luc B. As indicated earlier, while this practice has been authorized specifically for Super C class in a Board Decision in 2005, TCMSS considers that there is no general authorization to allow passengers in enclosed deck, this has been re-enforced by the amendments to the *Cargo Fumigation and Tackle Regulations* in 2007, in response to a Transportation Safety Board recommendations.

The concerns that we have expressed previously are:

- Capacity to deliver the safety briefing in the environment;
- Efficiency of the PA system for persons in their car;
- Situation awareness of the passengers in their vehicle in an enclosed space;
- Evacuation time and route, taking into account IMO guidelines, but also additional factors not addressed in the IMO MSC Circular such potential obstruction of evacuation route by cars/open doors, response time to help persons with reduced mobility and young children from within the vehicle, etc.;
- Risk in case of vehicle fire on deck (smoke, toxicity);
- Potential presence of dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle
- Enough crew members for surveillance in transit and orderly evacuation (crowd control)

Regards,

Luc

Luc Tremblay

Manager, Arctic and Large Vessels, Design and Equipment Standards| Gestionnaire, Arctique et grands bâtiments,

normes de design et d'équipements
Domestic Vessels Regulatory Oversight and Boating Safety (AMSD) | Surveillance réglementaire des bâtiments
canadiens et Sécurité nautique (AMSD)
Marine Safety | Sécurité maritime
Transport Canada | Transports Canada
330 Sparks St. | 330 rue Sparks
Ottawa, Ontario K1A 0N8
luc.tremblay@tc.gc.ca

Telephone | Téléphone : (613) 990-2068
Facsimile | Télécopieur : (613) 991-4818
Government of Canada | Gouvernement du Canada

From: Peterson, Greg [<mailto:Greg.Peterson@bcferries.com>]
Sent: Monday, April 11, 2016 7:31 PM
To: Tremblay, Luc
Subject: passengers off closed vehicle decks CFTR 152

Hi Luc,

I'm trying to set up a meeting for this during CMAC in Ottawa. We will have Bruce, myself, Jamie Marshall and our head of Safety (DP), David Fagen. An over-lunchtime meeting would be best from our end.

As I mentioned, we are looking at this from a fleet perspective as well as Salish Class (re both compliance and best practice). Do you have specific items that we should focus on in this meeting?

regards

Greg

Greg Peterson
Director Engineering Services
Engineering
British Columbia Ferry Services Inc.
12800 Rice Mill Rd, Richmond, BC, V6W 1A1

FOIPP Act, ss. 15, 19 and 22

greg.peterson@bcferries.com
bcferries.com | **Facebook** | **Twitter**

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DISCUSSION NOTELast saved: April 17, 2016 **DRAFT 1.2****Passengers on Closed Vehicle Deck on During Route Transit****BACKGROUND:**

Transport Canada (Ottawa) has raised the concern of passengers on a closed vehicle deck in the context of the new *Salish Class* vessels entering into service. TC draws attention to Cargo Fumigation & Tackle Regulation section 152, as amended in 2007 that provides no general authorization to allow passengers in a closed deck. Specific concerns expressed by TC regarding passengers being allowed to remain on a closed deck are:

- not receiving the safety briefing;
- not hearing the PA system;
- lack of situational awareness;
- sufficient evacuation time and route
 - taking into account IMO guidelines, but also additional factors not addressed in the IMO MSC Circular such potential obstruction of evacuation route by cars/open doors, response time to help persons with reduced mobility and young children from within the vehicle, etc.;
- vehicle fire on deck (smoke, toxicity);
- proximity to dangerous goods (e.g. van, pickups), CNG/LNG propelled vehicle
- adequate surveillance by crew during transit, and
- orderly evacuation (crowd control)

DISCUSSION

As a domestic fleet, our vessels have not been subject to the SOLAS requirements, however, the CSA 2001 *Cargo, Fumigation and Tackle Regulations* ("CFTR") SOR/2007-128 requires that:

Closed Vehicle Decks

152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger

(a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or

(b) is accompanied by a crew member, if there are packaged goods on the deck.

(2) Subsection (1) does not apply when passengers are directed to return to their vehicles before the vessel docks.

Northern vessels, *Coastal Class* and *Spirit Class* vessels are built with a closed vehicle decks. The closed deck is the main (lower) car deck.

Rationale for Restricting Passengers

The restriction of passengers from the closed vehicle decks during transit is intended to mitigate risk to the passenger in the event of fire or flooding on the vehicle deck. It is the characteristics of the closed vehicle deck space that constitute the hazards:

- deck runs full length of the vessel and cannot be partitioned into protective spaces
- escape routes to evacuation stations can be swiftly compromised by conditions, notably: fire, flooding, and geometric orientation due to severe listing

Restricting passenger access to the closed vehicle deck while under way was approved by IMO's Maritime Safety Committee (MSC) in 1995. It was one item among a list of recommendations from an expert panel on ro-ro safety following the loss of *MV Estonia* (900 lives) in the Baltic Sea. The current SOLAS CH II-1 *Regulation 23 - Special requirements for ro-ro passenger ships* states:

"9. In all ro-ro passenger ships, the master or the designated officer shall ensure that, without the expressed consent of the master or the designated officer, no passengers are allowed access to an enclosed ro-ro deck when the ship is under way."

The matter was addressed in 2005 in advance of the SOLAS-based *Coastal Class* construction in a general risk assessment by BMT Fleet Technology ("BMT-5404"). The regulatory regime Board Decision 8539 (for construction) stated that:

"Passenger access to the vehicle deck while the vessel is underway is the responsibility of the Master and that enhancements to ventilation, escape access, flooding, electrical appliances and firefighting proposed to mitigate the risk, are employed."

On the basis of this issued decision, TC anticipates that BCF shall comply with CFTR 152 or approach the Marine Technical Review Board for an equivalency.

Exposure to Fire Risks:

Firefighting deluge systems are fitted on all closed vehicle decks to provide partition if they are activated soon enough in response to a fire but may not be sufficiently effective in containing smoke hazard. In the May 2003 vehicle deck fire on *MV Joseph and Clara Smallwood*, two passengers were trapped by smoke and stayed in their vehicles for 2 hours until rescued¹.

BMT-5404 presents historical fire event data. In all cases of vehicle deck fire in the BCF fleet, the fire was quickly detected by the deck patrol and controlled by crew fire teams with handheld extinguishers⁶. In addition, the most probable source of fire is ignition fault upon vehicle start-up to depart the vessel, at which time passengers are already in their vehicles.

Evacuation from the Closed Vehicle Deck:

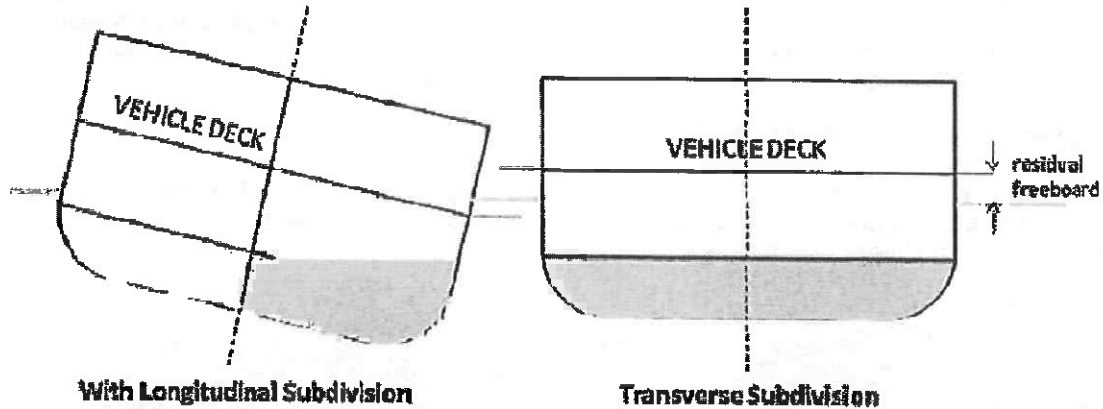
The viability of escape routes can be significantly compromised in the event of vehicle deck flooding. Rapid vessel listing has been common in the history of the most serious ro-ro casualties. Stairwell geometry can become a hazard to transit and the vertical distance above the main vehicle deck increases the hazard.

Mitigation of Listing Hazards

In the case of BCF vessels, the risk of severe vessel list is mitigated by the use of transverse subdivision (exclusively) and significant residual freeboard. The *Spirit Class* design was used in damage stability studies preceding Transport Canada's adoption of the SOLAS 90/95. The value

¹ Transportation Safety Board Marine Investigation Report M03N0050

of transverse subdivision was demonstrated by the *Queen of the North*, which remained upright until sinking by the stern in 2006.



Compliance with CFTR 152 and SOLAS Regulation 23

The northern vessels, *Northern Adventure* and *Northern Expedition* are compliant with the 2007 CSA 2001 regulation (CFTR article 152) through operational procedures.

CFTR 152 in fact provides allowance for passenger access to vehicles *before* docking and in the manner of the SOLAS regulation makes provision for the Master's consent. Passengers are encouraged via boarding announcements² to leave the vehicle decks on all our major vessels. It is only on the northern vessels where security measures (e.g., door locks) are applied to ensure compliance.

For the *Coastal Class* vessels, the Master's responsibility for passenger access is stated in board decision 8539. The risk to passengers remaining on the car deck *during transit* was not explicitly addressed in the BMT-5404 study. The study addressed the greatest risk exposure, i.e., greatest number of passengers on the vehicle deck, as occurs during approach for docking.

Some passengers do remain in their vehicles during transit. The MTRB 8539 arguments for safety equivalency during transit are:

1. Active fire patrol maintained on all vehicle decks; possibly supplemented with some type of identification procedure (consider current work on Passengers with Disabilities⁹);
2. The numbers of passengers choosing to stay in their vehicles is small relative to the disembarking condition, which has been deemed acceptable;
3. Specific design features facilitate evacuation of the space (subdivision, access to stairways, ventilation, effective public address systems, etc.);
4. Acceptable evacuation simulations as per SOLAS requirements, assuming a distribution of passengers in their vehicles.

² It is also a SOLAS requirement (MSC/Circular.681) to advise passengers of restricted access to the closed vehicle deck as part of the standard boarding announcements.

Difficulties with Compliance:

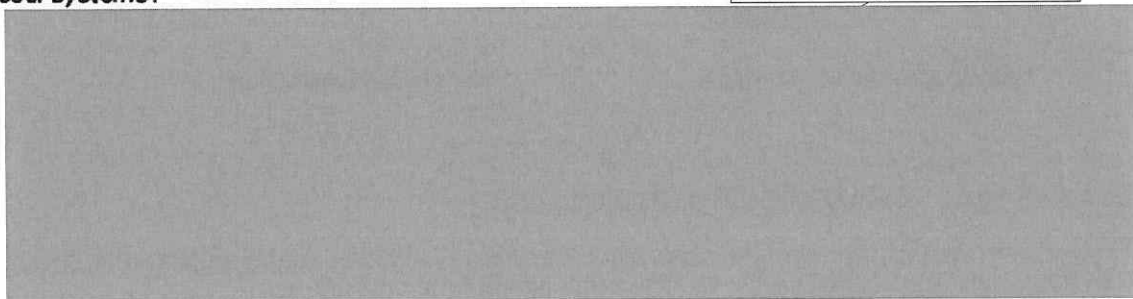
When BCF operated fast catamarans in the late 1990's, the *High Speed Craft Code* required passengers to leave their vehicles. BCF crew were met with hostility from passengers wishing to remain in their cars. As well described in the 2003 TSB report (*Smallwood* vehicle deck fire), there are numerous reasons why passengers prefer to remain in their vehicles.

BCF General Approach to Risk Mitigation

The carriage of passengers on closed vehicle decks is a fleet issue for which BCF has applied a number of direct engineering solutions, simulation models, and changes to monitoring, security and emergency response capabilities.

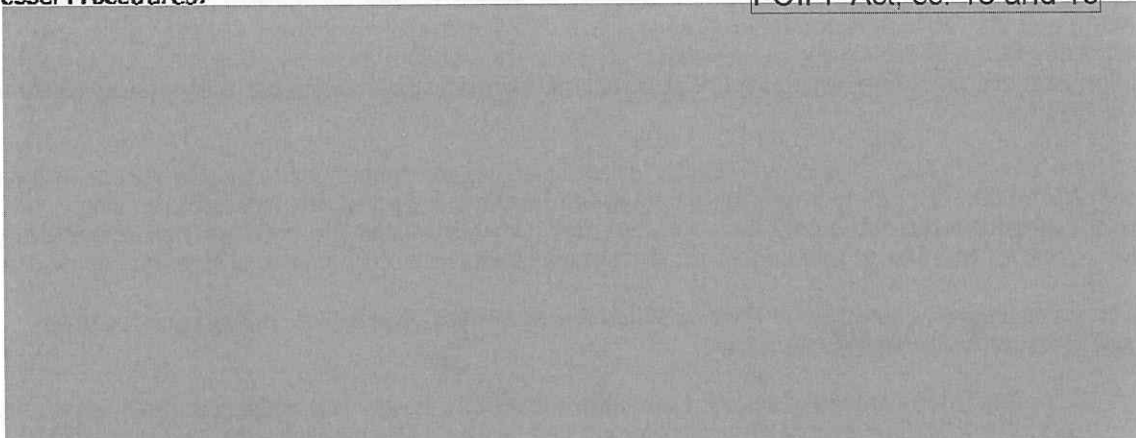
Vessel systems:

FOIPP Act, ss. 15 and 19



Vessel Procedures:

FOIPP Act, ss. 15 and 19



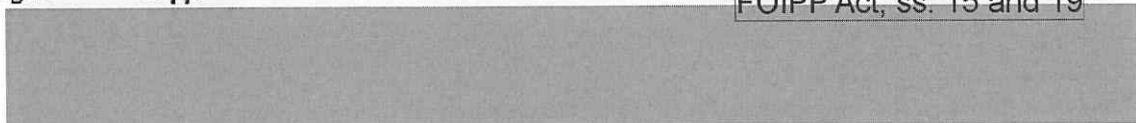
Passengers Requiring Assistance:

FOIPP Act, ss. 15 and 19



Organization Support:

FOIPP Act, ss. 15 and 19



CONCLUSION:

The requirements of CFTR 152 and the adoption of SOLAS II-1 Regulation 23 directly into Canadian *Vessel Construction & Equipment Regulation* makes it necessary to address this matter in company policy.

Although some vehicle deck construction design features may be necessary, compliance will be primarily operational. Allowing passenger access to the vehicle deck is within the Master's discretion in both SOLAS and current CSA 2001 regulations. It is not evident that an exception (i.e., an MTRB) is necessary under either regime.

For Consideration:

- Posting of signage referencing the CSA 2001 regulation
- Audio safety announcements and Video broadcasts for critical passenger training component "In the event of" to include car deck emergency procedures
- Safety briefing card handed out at the ticket both
- Strengthen the messaging to the vehicle passengers to encourage them to move up to the passenger decks

Christensen, Melanie

From: Peterson, Greg
Sent: April 14, 2016 3:52 PM
To: Marshall, Captain Jamie
Cc: Paterson, Bruce; Fagen, David; Johnston, Darren
Subject: RE: passengers off closed vehicle decks CFTR 152

From: Tremblay, Luc [<mailto:luc.tremblay@tc.gc.ca>]
Sent: April 12, 2016 10:16 AM
To: Peterson, Greg
Cc: Baumelle, Cédric; Nazha, Naim; Brisebois, Luc
Subject: RE: passengers off closed vehicle decks CFTR 152

Hi Greg,

Tuesday after the opening plenary would work for us. Cedric will attend with me and possibly Naim and Luc B.

As indicated earlier, while this practice has been authorized specifically for Super C class in a Board Decision in 2005, TCMSS considers that there is no general authorization to allow passengers in

enclosed deck, this has been re-enforced by the amendments to the *Cargo Fumigation and Tackle Regulations* in 2007, in response to a Transportation Safety Board recommendations.

The concerns that we have expressed previously are:

- Capacity to deliver the safety briefing in the environment;
- Efficiency of the PA system for persons in their car;
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- Enough crew members for surveillance in transit and orderly evacuation (crowd control)

Regards,

Luc

Luc Tremblay

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luc.tremblay@tc.gc.ca

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From: Peterson, Greg [<mailto:Greg.Peterson@bcferries.com>]
Sent: Monday, April 11, 2016 7:31 PM
To: Tremblay, Luc
Subject: passengers off closed vehicle decks CFTR 152

Hi Luc,

I'm trying to set up a meeting for this during CMAC in Ottawa. We will have Bruce, myself, Jamie Marshall and our head of Safety (DP), David Fagen. An over-lunchtime meeting would be best from our end.

As I mentioned, we are looking at this from a fleet perspective as well as Salish Class (re both compliance and best practice). Do you have specific items that we should focus on in this meeting?

regards

Greg

Greg Peterson
Director Engineering Services
Engineering
British Columbia Ferry Services Inc.
12800 Rice Mill Rd, Richmond, BC, V6W 1A1

FOIPP Act, ss. 15, 19 and 22

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Subject: RE: passengers off closed vehicle decks CFTR 152

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greg.peterson@bcferries.com
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Peterson, Greg

From: Peterson, Greg
Sent: April 13, 2016 6:59 AM
To: Tremblay, Luc
Subject: RE: passengers off closed vehicle decks CFTR 152

Hi Luc,

Will the CFTR 152 be replaced by Part B-4 Regulation 23 in the VCER?
I noted this in an internal brief in 2014 but this is perhaps not the case.

CFTR 152 does allow passengers to return to the vehicle deck before docking, a provision that is not in Reg 23 (and VCER does not modify).

Greg

From: Tremblay, Luc [<mailto:luc.tremblay@tc.gc.ca>]
Sent: April 12, 2016 10:16 AM
To: Peterson, Greg
Cc: Baumelle, Cédric; Nazha, Naim; Brisebois, Luc
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Luc Tremblay
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Peterson, Greg

From: Peterson, Greg
Sent: March 30, 2016 9:24 AM
To: Paterson, Bruce; Riis, Daniel
Subject: FW: Salish Class - passengers on vehicle deck

FYI...

-----Original Appointment-----

From: Tremblay, Luc [<mailto:luc.tremblay@tc.gc.ca>]
Sent: March 30, 2016 9:20 AM
To: Peterson, Greg
Cc: Baumelle, Cédric; Chowdrey, Makhan
Subject: Accepted: Salish Class BCF & Transport Canada (technical meeting & dinner)
When: April 05, 2016 4:00 PM-8:00 PM (UTC-08:00) Pacific Time (US & Canada).
Where: Metropolitan Hotel and restaurant

Hi Greg,

If you remember at the last meeting here in Ottawa, I raised the point about BCF consideration to allow passengers to remain in their cars in the enclosed lower deck. We had a short discussion and it was agreed not to engage in the discussion as the meeting was to focus on construction issues and this was considered operational.

In TCMS view this item must be fully addressed, accordingly can it be added to the meeting agenda on the 5, as we must agree on a way forward to resolve this issue. Through all the correspondence I had with Bruce on the subject in 2014 (last email attached) we have raised our concerns about this practice, which I reiterated at the 2015 Spring CMAC and the meeting last February, and we still consider that this is not allowed by SOLAS II-1/23.9 and also the Cargo, Furnigation and Tackle Regulations (CFTR) section 152. We understand that this has been allowed for the Super C class under the previous Board decisions issued in 2005 (prior to the coming into force of the CFTR), following a risk assessment and certain mitigating measures, and note that we have not received any formal request or assessment for the Salish Class other than the preliminary discussion in 2014 and 2015.

Accordingly TCMS would appreciate to receive confirmation from BCF if the operation is still considered, if it is the case TCMS would require details about the proposed operation to verify that it is carried in accordance with the applicable regulations, and that an MTRB application is submitted as appropriate.

Best regards,

Luc Tremblay

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Elect Power
Vehicle Dec 20...

From: [Paterson, Bruce](#)
To: [Tremblay, Luc](#)
Cc: [Thompson, Ben](#); [Catsburg, Paul](#); [Gascon, Julie](#); [Myers, Yvette](#); [Chowdrey, Makhan](#)
Subject: RE: ICF Lower Vehicle Deck Assessment
Date: May 16, 2014 4:12:39 PM

Luc,

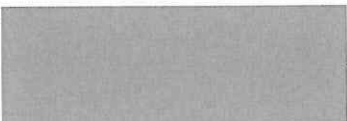
Thank you for your response, I appreciate you taking the time from your IMO schedule to respond after having reviewed the Coastal Class material.

With the understanding that you and Julie were away at IMO, and the fact that we (BCF) extended our decision horizon to the end of the month, we contracted LR (Martec) to undertake a MaritimeExodus simulation of the lower car deck. As you may be aware, MaritimeExodus is the LR evacuation simulation software that draws on a database of passenger characteristics to represent a population, in effect an "expert system". Using the lower deck layout, vehicle distribution, and passenger densities provided by BCF, they have modelled the evacuation times on the basis of the latest MSC circular. The preliminary results are extremely encouraging (~5 minutes to evacuate the space), which gives ample time to complete the assembly process. We expect a report early next week.

Given this, and the overwhelming lack of response to a call on Sunday, I propose we wait until next week when I can brief you more fully on the results.

Regards,

Bruce Paterson, P.Eng, M.Eng
Director, Naval Architecture, Engineering British Columbia Ferry Services Inc.



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Safety and Operational Readiness

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From: Tremblay, Luc [mailto:luc.tremblay@tc.gc.ca]
Sent: May 16, 2014 10:26 AM
To: Paterson, Bruce
Cc: Thompson, Ben; Catsburg, Paul; Gascon, Julie; Myers, Yvette; Chowdrey, Makhan
Subject: RE: ICF Lower Vehicle Deck Assessment

Dear Bruce,

My apologies for not having been able to schedule a phone call, as explained earlier this week both Julie and I are in London at IMO and the working group are running long hours.

We have reviewed the documentation for the Coastal Class and we noted in the Board that among other conditions it was specified that an evacuation analysis had to be done as per SOLAS Ch.II-2 regulation 13.7.4. At the time evacuation analysis were to be made per the Interim Guidelines for evacuation analysis for new and existing passenger ships (MSC/Circ.1033). This circular has now been replaced by the Guidelines for evacuation analysis for new and existing passenger ships (MSC.1/Circ.1238). In MSC.1/Circ.1238 two methods are included, the simplified and the advanced method. Considering the particularity of evacuating person from their vehicles, within an enclosed deck and then through the internal escape route, the advance method shall be used in this case.

To address the concerns previously raised, some elements that will have to be considered are:

In making the analysis particular attention shall be made to properly modelize the persons on board (Population) as unique individuals with specified individual abilities and response times. The population distribution specified in 3.2 shall be validated with actual numbers representative of the BC ferry clientele and adjusted as needed. In addition to the basic response time, the particularity of evacuation from a vehicle shall be considered, for example the additionnal time needed to exit the vehicle, including helping children and persons with reduce mobility.

As for the full availability of escape arrangements this will have to be specifically adressed in consideration that the evacuation will originate from an horizontal zone within a special category space (high fire risk), instead of the usual escape from main vertical zone.

The 4 evacuation scenarios will also have to be specially considered.

As for the escape route, the possibility of obstruction by car doors (considering that escape route are supposed to be kept clear at all time), or congestion caused by persons evacuating their car (helping children, reduce mobility persons..) will have to be evaluated.

Note that the above is not exhaustive, it represents our first thoughts on the subject, it is expected that you will review the guidelines and develop appropriate baseline for the analysis using an HAZOP.

Outside of the evacuation analysis TC remain concerned about aspects that we do not see clearly adressed in the Coastal class MTRB, such as lower situation awareness of passengers in their vehicle within an enclosed space, capacity to hear the PA system in this environment, proper communication of the safety briefing including instructing how to don a lifejacket which cannot be done without a visual component in the briefing.

Because of our schedule here and the time difference with BC, it would be easier for us to have the

phone call on Sunday (we are in the WG until late this evening and tomorrow all day), provided that Mak or Yvette are also available.

Best regards,

Luc Tremblay

Manager Arctic and Large Vessels, Design and Equipment Standards | Gestionnaire arctique et grands bâtiments, normes de design et d'équipements
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From: Paterson, Bruce [<mailto:Bruce.Paterson@bcferries.com>]

Sent: May 12, 2014 9:52 PM

To: Tremblay, Luc

Cc: Thompson, Ben; Catsburg, Paul

Subject: ICF Lower Vehicle Deck Assessment

Luc,

As per our discussion at CMAC, LR has completed a comparative risk assessment of the enclosed deck configuration for evacuation. We now have time and direction to engage in an evacuation simulation for the space, but would like to discuss the results and direction with you before proceeding.

Is there a particular time we could arrange a teleconference, for 30 minutes -1 hr, to cover the issues? We'd prefer to do it early this week if you have time.

Regards,

Bruce Paterson, P.Eng, M.Eng
Director, Naval Architecture, Engineering British Columbia Ferry Services Inc.



FOIPP Act, ss. 15, 19 and 22

bruce.paterson@bcferries.com

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Peterson, Greg

From: Paterson, Bruce <Bruce.Paterson@bcferries.com>
Sent: May 16, 2014 4:12 PM
To: Tremblay, Luc
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Bruce Paterson, P.Eng, M.Eng
Director, Naval Architecture, Engineering British Columbia Ferry Services Inc.

 FOIPP Act, ss. 15, 19 and 22

bruce.paterson@bcferries.com

www.bcferries.com

Safety and Operational Readiness

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From: Tremblay, Luc [mailto: luc.tremblay@tc.gc.ca]
Sent: May 16, 2014 10:26 AM
To: Paterson, Bruce
Cc: Thompson, Ben; Catsburg, Paul; Gascon, Julie; Myers, Yvette; Chowdrey, Makhan
Subject: RE: ICF Lower Vehicle Deck Assessment

Dear Bruce,

My apologies for not having been able to schedule a phone call, as explained earlier this week both Julie and I are in London at IMO and the working group are running long hours.

We have reviewed the documentation for the Coastal Class and we noted in the Board that among other conditions it was specified that an evacuation analysis had to be done as per SOLAS Ch.II-2 regulation 13.7.4. At the time evacuation analysis were to be made per the Interim Guidelines for evacuation analysis for new and existing passenger ships (MSC/Circ.1033). This circular has now been replaced by the Guidelines for evacuation analysis for new and existing passenger ships (MSC.1/Circ.1238). In MSC.1/Circ.1238 two methods are included, the simplified and the advanced method. Considering the particularity of evacuating person from their vehicles, within an enclosed deck and then through the internal escape route, the advance method shall be used in this case.

To address the concerns previously raised, some elements that will have to be considered are:

In making the analysis particular attention shall be made to properly modelize the persons on board (Population) as unique individuals with specified individual abilities and response times. The population distribution specified in 3.2 shall be validated with actual numbers representative of the BC ferry clientele and adjusted as needed. In addition to the basic response time, the particularity of evacuation from a vehicle shall be considered, for example the additional time needed to exit the vehicle, including helping children and persons with reduce mobility.

As for the full availability of escape arrangements this will have to be specifically adressed in consideration that the evacuation will originate from an horizontal zone within a special category space (high fire risk), instead of the usual escape from main vertical zone.

The 4 evacuation scenarios will also have to be specially considered.

As for the escape route, the possibility of obstruction by car doors (considering that escape route are supposed to be kept clear at all time), or congestion caused by persons evacuating their car (helping children, reduce mobility persons..) will have to be evaluated.

Note that the above is not exhaustive, it represents our first thoughts on the subject, it is expected that you will review the guidelines and develop appropriate baseline for the analysis using an HAZOP.

Outside of the evacuation analysis TC remain concerned about aspects that we do not see clearly adressed in the Coastal class MTRB, such as lower situation awareness of passengers in their vehicle within an enclosed space, capacity to hear the PA system in this environment, proper communication of the safety briefing including instructing how to don a lifejacket which cannot be done without a visual component in the briefing.

Because of our schedule here and the time difference with BC, it would be easier for us to have the phone call on Sunday (we are in the WG until late this evening and tomorrow all day), provided that Mak or Yvette are also available.

Best regards,

Luc Tremblay

Manager Arctic and Large Vessels, Design and Equipment Standards | Gestionnaire arctique et grands bâtiments,
normes de design et d'équipements
Design, Equipment, and Boating Safety (AMSR) | Conception, Équipement, et Sécurité nautique (AMSR)
Marine Safety | Sécurité maritime
Transport Canada | Transports Canada
330 Sparks St. | 330 rue Sparks
Ottawa, Ontario K1A 0N8
luc.tremblay@tc.gc.ca

Telephone | Téléphone : (613) 990-2068
Facsimile | Télécopieur : (613) 991-4818
Government of Canada | Gouvernement du Canada

From: Paterson, Bruce [<mailto:Bruce.Paterson@bcferries.com>]
Sent: May 12, 2014 9:52 PM
To: Tremblay, Luc
Cc: Thompson, Ben; Catsburg, Paul
Subject: ICF Lower Vehicle Deck Assessment

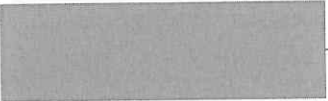
Luc,

As per our discussion at CMAC, LR has completed a comparative risk assessment of the enclosed deck configuration for evacuation. We now have time and direction to engage in an evacuation simulation for the space, but would like to discuss the results and direction with you before proceeding.

Is there a particular time we could arrange a teleconference, for 30 minutes -1 hr, to cover the issues? We'd prefer to do it early this week if you have time.

Regards,

Bruce Paterson, P.Eng, M.Eng
Director, Naval Architecture, Engineering British Columbia Ferry Services Inc.

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Paterson, Bruce

FYL...

From: Thompson, Ben [<mailto:ben.thompson@r.org>]
Sent: February 03, 2017 10:35 AM
To: Peterson, Greg
Subject: C-Class report

Hi Greg,

Attached just in.

BRgds
Ben

Sent from my Samsung device over Bell's LTE network.



Lloyd's
Register

**LLOYD'S REGISTER REVIEW OF
BC FERRIES
CLOSED DECKS ENGINEERING TECHNICAL BRIEF – REV. 2**

1) Document No. FTE-2016-37-A
Date 21 December 2016 (rev.2 5/1/17)
Subject: Passengers on Closed Decks – Regulatory Review and Assessment of Route 3 (C-Class Vessels)

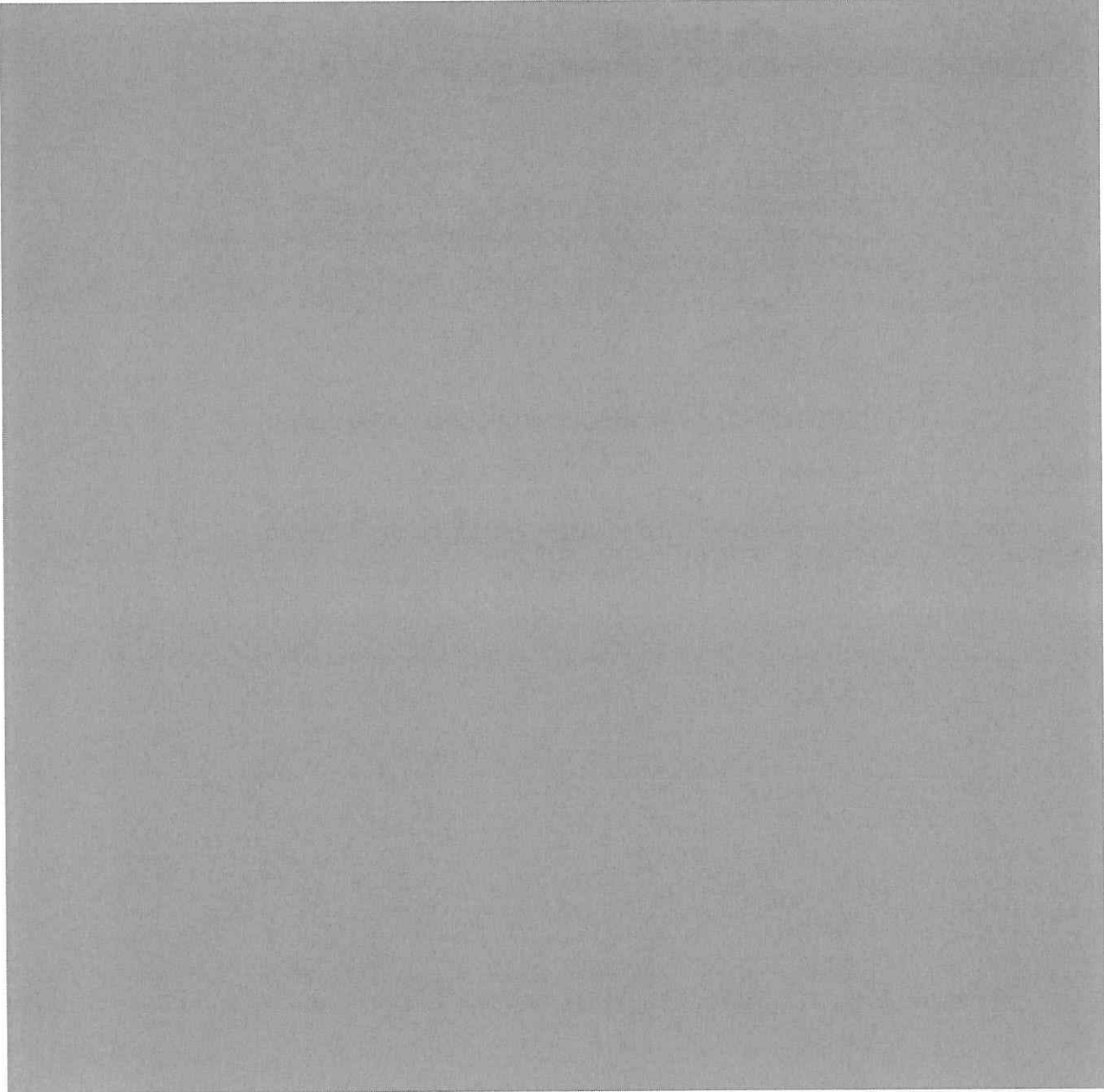
2) Document No. FTE-2010-28-A
Date April 2011
Revision 1
Subject: QUEEN OF OAK BAY and QUEEN OF SURREY – Fire Zones

Flag Administration Canada

The documents mentioned above have been reviewed in fire and safety aspects and the following comments are made:

FOIPP Act, s. 13

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Robert Kasprzak
February-03, 2017

GTC Southampton, UK Office
Fire and Safety, MITE5



Lloyd's Register EMEA



FOIPP Act, s. 22

Robert Kasprzak
Lead Specialist, Fire & Safety, Southampton Technical
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Date: 03 February 2017

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Johnston, Darren

From: Johnston, Darren
Sent: January 12, 2017 2:48 PM
To: Marshall, Captain Jamie; Wilson, Mark; Storey, Corrine
Cc: Storey, Corrine
Subject: FW: C Class and Coastal Class - TC position on pax on deck
Attachments: RoRo-fire-on-deck_2016-04_web.pdf; Closed Decks_Engineering Technical Brief Rev2.pdf

From: Thompson, Ben [<mailto:ben.thompson@ir.org>]
Sent: January 12, 2017 11:30 AM
To: Peterson, Greg
Subject: Re: C Class and Coastal Class - TC position on pax on deck

Hi Greg,

One of our SMEs has already had a "quick look" and his comments are as follows:
We can perform a full review by next Thursday for about \$5k if needed.

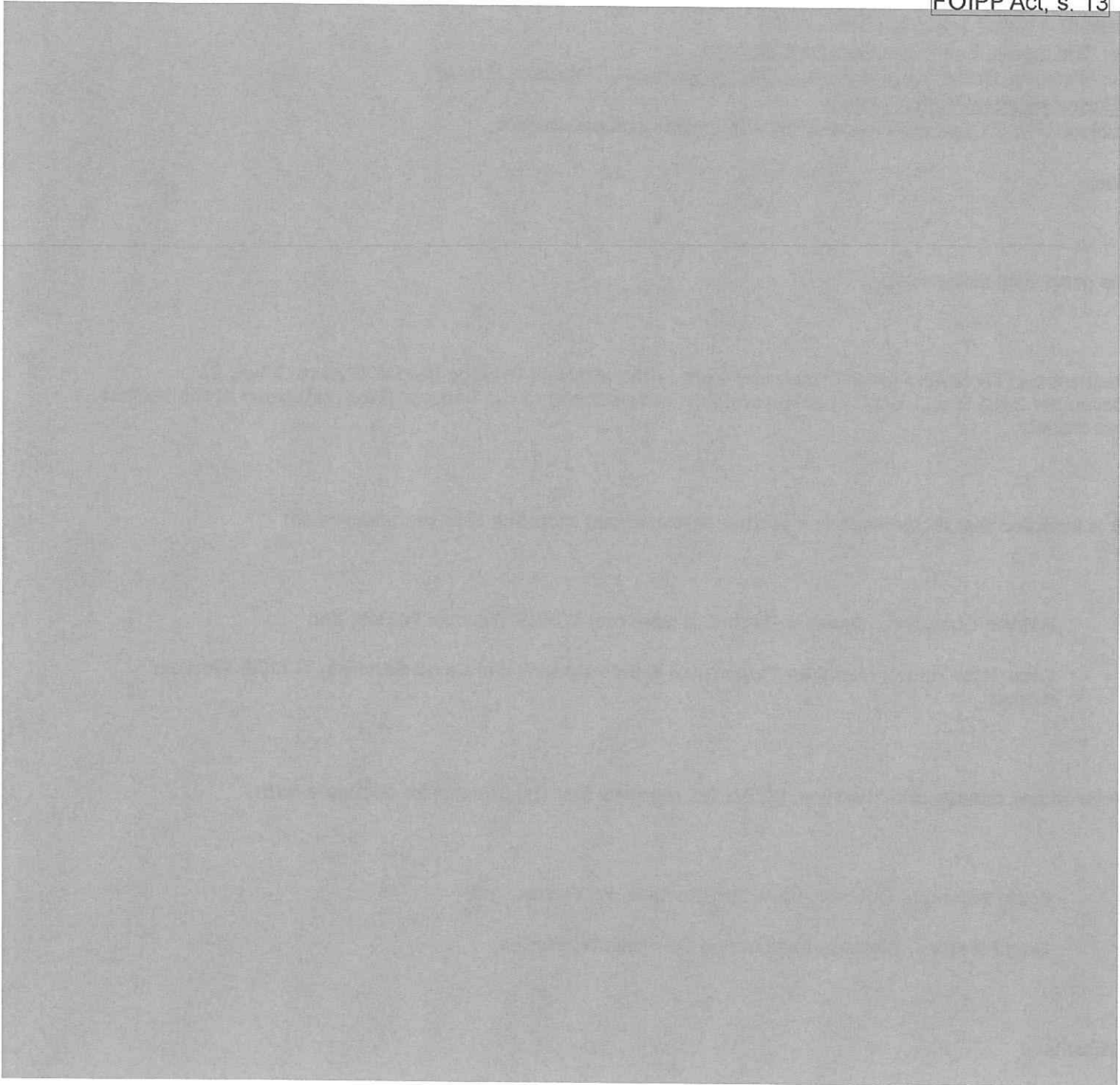
BRgds,

Ben

Quote:

After brief reading I would like to offer following

FOIPP Act, s. 13



Unquote

Sent from my Samsung device over Bell's LTE network.

----- Original message -----

From: "Peterson, Greg" <Greg.Peterson@bcferries.com>

Date: 01-11-2017 1:14 PM (GMT-08:00)

To: "Thompson, Ben" <ben.thompson@lr.org>

Cc: "Paterson, Bruce" <Bruce.Paterson@bcferries.com>, "Johnston, Darren" <Darren.Johnston@bcferries.com>

Subject: FW: C Class and Coastal Class - TC position on pax on deck

Ben,

(as previously discussed)

Request that LR review the BCF technical work in the attached Briefing Note FTE-2016-37-A, 21 December 2016 (rev.2 5/1/17) and provide an endorsement of the findings (interpretation) at the earliest opportunity.

It is intended that if the result is a positive endorsement than this is to be conveyed to:

Makhan Chowdrey, Manager, Technical Services, TCMSS Western Region, and

Capt. John Yeung, Manager, Compliance & Enforcement and Cargo Services, TCMSS Western Region

Prior to any release of this review, BC Ferries requests that the findings be discussed with:

Bruce Paterson, Director, Naval Architecture, BC Ferries, and

Greg Peterson, Director, Engineering Services, BC Ferries

regards

Greg Peterson

Director Engineering Services

British Columbia Ferry Services Inc.

[REDACTED] FOIPP Act, ss. 15, 19 and 22

greg.peterson@bcferries.com

bcferries.com

From: Paterson, Bruce
Sent: January 06, 2017 5:36 PM
To: Peterson, Greg
Cc: Kearney, Bob
Subject: RE: C Class and Coastal Class - TC position on pax on deck

Greg,

Attached is the briefing note outlining the regulatory issues regarding closed decks and an assessment of the C-Class, for submission to LR.

I will review the MTRB for the Coastals

Bruce Paterson, P.Eng, M.Eng

Director, Naval Architecture, Engineering British Columbia Ferry Services Inc.

[REDACTED] FOIPP Act, ss. 15, 19 and 22

bruce.paterson@bcferries.com

Johnston, Darren

From: Johnston, Darren
Sent: January 12, 2017 10:38 AM
To: Peterson, Greg; Paterson, Bruce
Cc: MacKay, Captain Lewis
Subject: Re: C Class and Coastal Class - TC position on pax on deck

From: Thompson, Ben [<mailto:ben.thompson@lr.org>]
Sent: January 12, 2017 8:47 AM
To: Peterson, Greg
Subject: RE: C Class and Coastal Class - TC position on pax on deck

Hi Greg, The full review won't be completed until next Thursday and will cost approx. \$5k. However, I have asked if we can perform a cursory overview earlier than that. I will let you know asap. B

From: Peterson, Greg [mailto:Greg.Peterson@bcferries.com]
Sent: 12 January 2017 07:53
To: Thompson, Ben
Subject: FW: C Class and Coastal Class - TC position on pax on deck
Importance: High

Ben,

Can you give me an idea as to how long this will take LR to turnaround? Lots of pressure on this one from the top.

thanks

Greg

From: Peterson, Greg
Sent: January 11, 2017 1:14 PM
To: Ben Thompson (ben.thompson@lr.org)
Cc: Paterson, Bruce; Johnston, Darren
Subject: FW: C Class and Coastal Class - TC position on pax on deck
Importance: High

Ben,

(as previously discussed)

Request that LR review the BCF technical work in the attached Briefing Note FTE-2016-37-A, 21 December 2016 (rev.2 5/1/17) and provide an endorsement of the findings (interpretation) at the earliest opportunity.

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Capt. John Yeung, Manager, Compliance & Enforcement and Cargo Services, TCMSS Western Region

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Bruce Paterson, Director, Naval Architecture, BC Ferries, and
Greg Peterson, Director, Engineering Services, BC Ferries

regards

Greg Peterson
Director Engineering Services
British Columbia Ferry Services Inc.

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greg.peterson@bcferries.com
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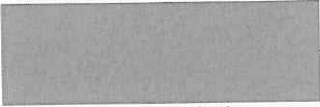
From: Paterson, Bruce
Sent: January 06, 2017 5:36 PM
To: Peterson, Greg
Cc: Kearney, Bob
Subject: RE: C Class and Coastal Class - TC position on pax on deck

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Attached is the briefing note outlining the regulatory issues regarding closed decks and an assessment of the C-Class, for submission to LR.

I will review the MTRB for the Coastals

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Peterson, Greg

From: Peterson, Greg
Sent: July 14, 2015 10:38 AM
To: Samantha Goheen (samantha.goheen@lr.org); Paterson, Bruce
Subject: Passengers on vehicle deck - RO Letter requested

Samantha,

As discussed briefly on our call this morning, we are seeking an RO letter on this matter based on a review of the risk assessment BMT-5404 (source: B Paterson) and a validation of current BCF operational practices that adhere to the four conditions established for the Coastal Class vessels (see below).

Here is a summary of this matter for BCF operations:

The current SOLAS CH II-1 Regulation 23 - Special requirements for ro-ro passenger ships states:
"9. In all ro-ro passenger ships, the master or the designated officer shall ensure that, without the expressed consent of the master or the designated officer, no passengers are allowed access to an enclosed ro-ro deck when the ship is under way."

The matter was addressed in 2005 in advance of Coastal Class construction because BCF used SOLAS as the base regulation. A risk assessment by BMT Fleet Technology ("BMT-5404") is BCF's primary source of analysis for the SOLAS requirement. The regulatory regime Board Decision 8539 (archived) stated that: "Passenger access to the vehicle deck while the vessel is underway is the responsibility of the Master and that enhancements to ventilation, escape access, flooding, electrical appliances and firefighting proposed to mitigate the risk, are employed."

CSA 2001 Cargo, Fumigation and Tackle Regulations ("CFTR") SOR/2007-128 requires that:
Closed Vehicle Decks

152. (1) Every passenger shall keep off a closed vehicle deck on a vessel that is under way unless the passenger
- (a) has received the express consent of the vessel's master to enter the deck, if there are no packaged goods on the deck; or
 - (b) is accompanied by a crew member, if there are packaged goods on the deck.
- (2) Subsection (1) does not apply when passengers are directed to return to their vehicles before the vessel docks.

BMT-5404 presents historical fire event data. In all cases of vehicle deck fire in the BCF fleet, the fire was quickly detected by the deck patrol and controlled by crew fire teams with handheld extinguishers⁶. In addition, the most probable source of fire is ignition fault upon vehicle start-up to depart the vessel, at which time passengers are already in their vehicles.

CFTR 152 in fact provides allowance for passenger access to vehicles before docking and in the manner of the SOLAS regulation makes provision for the Master's consent. Passengers are encouraged via boarding announcements to leave the vehicle decks on all our major vessels.

For the Coastal Class vessels, the Master's responsibility for passenger access is stated in board decision 8539. The risk to passengers remaining on the car deck during transit was not explicitly addressed in the BMT-5404 study. The study addressed the greatest risk exposure, i.e., greatest number of passengers on the vehicle deck, as occurs during approach for docking. Some passengers do remain in their vehicles during transit. The arguments for safety equivalency during transit are:

1. Active fire patrol maintained on all vehicle decks; possibly supplemented with some type of identification procedure (consider current work on Passengers with Disabilities);
2. The numbers of passengers choosing to stay in their vehicles is small relative to the disembarking condition, which has been deemed acceptable;
3. Specific design features facilitate evacuation of the space (subdivision, access to stairways, ventilation, effective public address systems, etc.).
4. Acceptable evacuation simulations as per SOLAS requirements, assuming a distribution of passengers in their vehicles.

Difficulties with Compliance:

When BCF operated fast catamarans in the late 1990's, the High Speed Craft Code required passengers to leave their vehicles. BCF crew were met with hostility from passengers wishing to remain in their cars.

regards

Greg

Greg Peterson
Director Engineering Services
Engineering
British Columbia Ferry Services Inc.
12800 Rice Mill Rd, Richmond, BC, V6W 1A1

FOIPP Act, ss. 15, 19 and 22

greg.peterson@bcferries.com
bcferries.com [**Facebook**] **Twitter**

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