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**Supersedes:** –

**Reference to:** Regulations of 15 June 1987 No. 507 concerning safety measures, etc. on passenger ships, cargo ships and lighters

*The Circular should be entered into a special diagram or as appropriate in the latest editions of relevant NMA publications and kept until the next editions.*

## Regulation concerning amendments to the Safety Measure Regulations section 13.

### The transport of emergency response vehicles on ferries.

#### 1. The background for the amendments

The Norwegian Maritime Authority (NMA) have laid down amendments to section 13 of the Regulations of 15 June 1987 No. 507 concerning safety measures, etc. on passenger ships, cargo ships and lighters (Safety Measure Regulations) regarding the embarking, disembarking and stowage, etc. of vehicles on ferries.

Earlier this year, the Ministry of Trade and Industry assigned the Norwegian Maritime Authority the task of laying down in regulation that the transport of emergency response vehicles where persons remain in the vehicle during the crossing is permitted under certain conditions. The Norwegian Maritime Authority suggested to include this in section 13 of the Safety Measure Regulations, and chose to revise the entire provision at the same time in order to simplify it. Except for the new fourth paragraph which concerns "emergency response vehicles and other similar means of transport" and the removal of the wording that the Norwegian Maritime Authority "may permit" from the present first paragraph, new rules have not been introduced – the section has only been restructured.

The proposal for the new and amended provisions was circulated for comments on 15 April 2013, with deadline for comments on 1 August the same year. The Norwegian Maritime Authority received ten consultative statements, whereof seven<sup>1</sup> did not have comments to the proposal. The Federation of Norwegian Coastal Shipping (NHO Sjøfart), the joint secretariat of the seamen's organisations and one private citizen made a few statements which will be commented on in point 2.2 below.

#### 2. Details of the amendments

##### 2.1 First, second and third paragraph – mainly a continuation of the previous rules

<sup>1</sup> The Ministry of Transport and Communications, the Northern Norway Regional Health Authority (Helse Nord RHF), the Norwegian Public Roads Administration, the Norwegian Shipowners' Association, the Ministry of Trade and Industry and the National Police Directorate.

The provisions of the previous section 13, which applied for all ferries in general, have been consolidated in the new first paragraph.

New first paragraph subparagraph a concerns embarking and disembarking, and is a continuation of the rules which were previously found in the first paragraph subparagraph a and in the second paragraph. The only amendment made is that the previous provisions regarding the preapproval by the Norwegian Maritime Authority of passengers remaining in their vehicles during embarkation and disembarkation have been removed.

New first paragraph subparagraph b continues the previous eighth paragraph.

New first paragraph subparagraph c consolidates and continues the previous sixth and seventh paragraph.

New first paragraph subparagraph d continues the previous ninth paragraph.

New first paragraph subparagraph e continues the previous tenth paragraph.

New first paragraph subparagraph f continues the previous eleventh paragraph.

New first paragraph subparagraph g continues the previous twelfth paragraph.

New first paragraph subparagraph h continues the previous thirteenth paragraph.

New first paragraph subparagraph i continues the previous fourteenth paragraph.

The previous fifteenth paragraph which laid down that the driver of the vehicle had a duty to act according to instructions etc. has not been continued since the Ship Safety and Security Act does not provide the legal basis for the Norwegian Maritime Authority to impose duties on the driver of the vehicle (the passengers' obligation to comply with regulations relating to good order and safety on board is provided by section 408 of the Norwegian Maritime Code). This has, however, no practical significance, since section 2 of the Regulations of 26 March 2003 No. 403 concerning transport by ferry, laid down by the Ministry of Transport and Communications, provides that:

Driver of motor vehicle which is or shall on board a ferry has a duty to follow the ferry crew's instructions and the markings on the ferry landing and on board the ferry. The driver is furthermore obliged to notify the ferry crew of any vehicle defects or cargo properties which could constitute a safety risk on board.

New second paragraph continues the rules regarding when passengers on open or partly open ferries may remain seated in their vehicles during the crossing. These rules were found in the previous first paragraph subparagraphs b and c.

New third paragraph consolidates and continues the previous third, fourth, fifth and sixteenth paragraphs.

In the request for comments, the Norwegian Maritime Authority suggested allowing passengers to remain in their vehicles when the crossing time is 15 minutes or less (cf. previous sixteenth paragraph); whereas the Federation of Norwegian Coastal Shipping meant that this should apply on ferries with a crossing time of less than 30 minutes. An extension to 30 minutes will, however, mean that a great number of ferry connections will fall under the exception, and that the main rule becomes undermined. As mentioned earlier, the intention of these amendments is not to change the legal position. The NMA thus for now choose to continue for the most part the wording the

way it was in the previous sixteenth paragraph, that is to say that the Norwegian Maritime Authority must still give special permission if exceptions to the main rule are to be granted.

In the new second and third paragraph the term "sheltered waters" has been replaced by "trade area 2", and for trade areas greater than "sheltered waters", the term "trade area 3 / Class D" is used<sup>2</sup>.

## 2.2 Fourth paragraph – new rule regarding transport of emergency response vehicles and similar means of transport

Ambulances with ambulance workers and patient have for years been permitted to stand on the car deck by agreement with the master in each individual case. With new section 13 fourth paragraph it is now clearly provided in the legislation that this practice is legal on certain terms. The NMA have also received feedback regarding the fact that police may need to remain by the vehicle when travelling on ferries, for instance when transporting detainees or when the cars carry weapons on board. This may be the case for vehicles which are not covered by the Regulations concerning approval of emergency response vehicles<sup>3</sup>. In order to include such transport, the regulatory amendment not only applies to "ambulances", but in general to "emergency response vehicles and other similar means of transport"<sup>4</sup>.

The master has the command, and is thus the person with the final responsibility for everyone on board. When transporting emergency response vehicles and other similar means of transport the company must, in accordance with section 7 of the Ship Safety and Security Act, arrange for an emergency situation to be managed satisfactorily. For ferries which are currently required to prepare an evacuation analysis, the fourth paragraph second sentence of the new section 13 therefore provides that the evacuation of persons in emergency response vehicles on car decks must also be included in this analysis. The company must furthermore develop suitable procedures for each individual ship for such transport.

On many ferries the evacuation of the ship often takes place from the lounge situated above the car deck. It may therefore be very challenging to evacuate a stretcher patient who is not able to move on his own from an ambulance on the car deck via the lounge, since this would involve moving through corridors and stairs. If the safe manning personnel have to provide extra assistance in connection with the evacuation of a patient, this could affect their duty to assist the remaining passengers. The joint secretariat of the seamen's organisations refer to the fact that an update of the evacuation analyses could entail an increase of the minimum safe manning. The Norwegian Maritime Authority are principally in agreement with this assessment. Nevertheless, in practice it must be expected that the personnel on emergency response vehicles are capable of assisting in the evacuation of the persons for whom they are responsible. (The persons in the emergency response vehicles are in any case to be regarded as "passengers".) The Norwegian Maritime Authority therefore assume that in most cases it will not be necessary to increase the manning as a consequence of updating the evacuation analyses.

It will be natural for the procedures regarding driving of ambulances to be included in each ship's safety system, cf. Regulations of 14 March 2008 No. 306 concerning a safety management system on Norwegian ships and mobile offshore units, which *inter alia* apply to ro-ro passenger ships that

<sup>2</sup> Cf. sections 8 and 9 of the Regulations of 4 November 1981 No. 3793 concerning trade areas and section 5 of the Regulations of 28 March 2000 No. 305 concerning surveys, construction and equipment of passenger ships engaged in domestic voyages.

<sup>3</sup> Cf. Regulations of 18 January 2002 No. 55 concerning approval and registration of emergency response vehicles.

<sup>4</sup> One of the consultative comments claims that the wording is unclear. On the background of the explanation provided here and in the request for comments, however, the Norwegian Maritime Authority do not consider it necessary to change the wording.

are permitted to carry more than 12 passengers (see section 1 first paragraph (c)). This is provided by new section 13 fourth paragraph third sentence.

The master shall furthermore "particularly ensure" that three circumstances exist before the transport commences:

*Subparagraph a* sets forth that the service personnel in the vehicle shall be familiar with how to act in an emergency and how the ship is evacuated. The Federation of Norwegian Coastal Shipping mean that one can "safely conclude" that such service personnel are familiar with how to act in an emergency situation. The Norwegian Maritime Authority generally agree with this view, but that does not mean that all such personnel necessarily have sufficient knowledge about how to act in an emergency situation on a ship, for instance if fire should break out or if the ship should run aground. The wording has been chosen in order to include such situations, i.e. the service personnel shall be prepared for how to act in the event of an alarm (await further instructions from the crew, go directly to the muster stations?). Such information may for instance be provided by the ferry crew handing out an information sheet when the vehicle arrives at the ferry.

*Subparagraph b* sets forth that there shall be sufficient space around the vehicle so that everyone can get out and to the muster stations. The idea behind this provision is that it shall be practicable to evacuate the persons in the vehicle, including a patient on a stretcher. Sometimes the evacuation takes place from the car deck, whereas in other cases the evacuation takes place from other locations, for instance from the lounge. To clarify this further, the wording has been changed compared to the wording presented in the original text circulated for comments; from "that the vehicle is placed near an exit from the car deck and that there is sufficient space around the vehicle so that everyone can get out" to "that there is sufficient space around the vehicle so that everyone can get out and to the muster stations".

Finally, *subparagraph c* sets forth that radio contact with the bridge shall also be established.

The provision is limited against the normal rules regarding principle of necessity, which could become applicable if life and health is at risk. The proposal does not restrict these rules. In this connection we furthermore refer to the fact that emergency response vehicles have priority during call-out, cf. section 3 of the Ministry of Transport and Communications' Regulations of 26 March 2003 No. 403 concerning transport by ferry.

### **3. Economic and administrative consequences**

The proposal simplifies the previous rules and introduces a new provision regarding transport of emergency response vehicles and other similar means of transport by ferry.

Public bodies, such as health trusts and the police, will get a simpler working life since the Regulations now expressly allow for the transport on which these bodies are dependent in the execution of their work. The proposal is socioeconomically beneficial since the transport of patients by car is the most reasonable means of transport utilised by the health trusts.

Companies which have not already established procedures for the evacuation of persons from emergency response vehicles on car decks must now do this. For ferries required to prepare an evacuation analysis, the evacuation of vehicles on the car deck must moreover be incorporated into this. The Norwegian Maritime Authority assume that in most cases it will not be necessary to increase the manning as a consequence of updating the evacuation analyses.

For the Norwegian Maritime Authority, the removal of the provisions regarding the fact that the NMA shall "approve", etc. and the fact that the section is more systematically built up, means less work in the form of queries from the industry.

#### 4. Entry into force

These amendments enter into force on 1 November 2013.

Olav Akselsen  
Director General of Shipping and Navigation

Linda Bruås  
Acting Head of Department

Enclosure:

#### **Regulation of 28 August 2013 No. x concerning amendments to Regulations concerning safety measures, etc. on passenger ships, cargo ships and lighters**

Laid down by the Norwegian Maritime Authority on 30 August 2013 under the Act of 16 February 2007 No. 9 relating to Ship safety and Security (Ship Safety and Security Act) section 11 second paragraph, cf. Formal Delegation of 16 February 2007 No. 171 and Formal Delegation of 31 May 2007 No. 590 by the Ministry of Trade and Industry.

#### **I**

Regulations of 15 June 1987 No. 507 concerning safety measures, etc. on passenger ships, cargo ships and lighters are amended as follows:

Section 13 should read:

Section 13 *Embarking, disembarking, and stowage, etc. of vehicles on ferries*

(1) The following shall apply to all ferries:

- a) Passengers may remain seated in their vehicles during embarkation and disembarkation when the arrangement for mooring and locking etc. the ferry to the vehicle ramp is in compliance with the regulations currently in force concerning the construction of passenger ships and cargo ships. During vehicle embarkation and disembarkation the vehicle ramp from ferry to quay shall be securely locked to the recess of the ferry.
- b) If the same gangway is used for passengers and cars, provisions shall be made for passengers to move across the gangway and to and from the passenger accommodation unimpeded by cars.

- c) Exits from the car deck shall be clearly marked, and a public address system which also covers the car deck shall be installed for the communication of information to the passengers.
  - d) Propulsion engines in motor vehicles and other combustion engines fitted in motor vehicles or trailers shall be turned off during the voyage. For appliances operated using open flames, the main valve on the gas or fuel container shall be closed so that all flames are extinguished. Notices to this effect shall be clearly visible on board.
  - e) Permission may be granted for combustion engines apart from a vehicle's propulsion engine to be left running during the voyage on partially enclosed ferries if the car or trailer is positioned in the open section of the car deck, and on open ferries if the car or trailer is positioned in the afterpart of the car deck. Permission will be granted as deemed necessary due to the length of the journey and for what purpose the combustion engine will be used, etc.
  - f) While vehicles are parked on board, the handbrake shall be applied with the engine in lowest gear.
  - g) When required, vehicles shall be lashed down and secured against shifting.
  - h) Ports on the car deck shall be closed and battened down during the crossing.
  - i) Smoking and the use of naked flames is not permitted on the car deck. Signs to this effect shall be clearly visible.
- (2) In open or partially open ferries passengers may remain seated in their vehicles during the crossing when the ferry is operating in trade area 2 or a lesser trade area, and the following requirements have been met:
- a) Vehicles shall be stowed to leave a clearance of at least 60 cm on one side of the vehicle and adequate passageways giving free access to the sides of the ferry.
  - b) Passageways to the accommodation, emergency exits, fire and rescue equipment shall be kept free of obstructions.
- (3) In open or partially open ferries operating in trade area 3 / Class D or a greater trade area and on enclosed ferries, passengers are not permitted to remain on the car deck during the crossing between ports. Before the ship leaves port, the crew shall check that all the passengers have left the car deck, and the means of access to the car deck shall be locked during the crossing. On ferries operating on short ferry links connecting main highways, the Norwegian Maritime Authority may give special permission for passengers to remain seated in their vehicles during the crossing.
- (4) On all ferries, persons may remain seated in emergency response vehicles and other similar means of transport during vehicle embarkation and disembarkation and during the crossing. For ships required to have an evacuation analysis, the analysis shall also include the evacuation of such transport. The company shall prepare procedures for such transport and the master shall, before the transport begins, particularly ensure:
- a) that the service personnel in the vehicle is familiar with how to act in an emergency and how the ship is evacuated;
  - b) that there is sufficient space around the vehicle so that everyone can get out and to the muster stations; and
  - c) that radio contact between the vehicle and the bridge has been established.

## II

This Regulation enters into force on 1 November 2013.