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Rec. I-72-0

JAN 21 1972

Honorable William P. Rogers  
Secretary of State  
Washington, D. C. 20520

Dear Mr. Secretary:

In September 1971, staff members of the National Transportation Safety Board were invited by the U. S. Solas Working Group to attend meetings of that group and to offer comments on the Draft International Convention for Safe Intermodal Transport Containers. After those meetings, the Safety Board was furnished a copy of the second revised draft of the above-mentioned convention being developed by the Inter-governmental Maritime Consultative Organization. During the Safety Board's review, we were made aware of prior negotiations and considerations by the U. S. Delegation during its participation in the development of the revised draft convention.

Based upon the prior reports and documents, the Safety Board believes that the declared safety purpose of the proposed convention requires clarification. The record indicates that the intended safety purpose was limited to the establishment of structural container requirements affecting safety of operating personnel in conditions normally incident to transportation. In the highway and rail modes, it was apparently not intended to insure crashworthiness of containers, or the protection of bystanders in accidents. Specific criteria in the revised draft convention, in terms of test loads, do not insure that the containers will be able to retain cargo under the range of accelerations found in rail and highway crashes. Given the paucity of technical data delineating the anticipated accident conditions encountered in transportation over-the-road and by rail, the convention probably cannot at this time effectively address crashworthiness of safety of nonoperating personnel in accidents during such transportation.

The problem with the revised draft convention is that the title and the preamble, taken together, appear to encompass aspects of safety which are not covered by the document. In the title, the implied unlimited scope of the term "Safe Intermodal Transport Containers" and the phrase "safety of human life in the handling, stacking and transporting of containers" do not agree with the planned limitations.

A clear statement of the purpose of the convention, which indicates that it is not intended to insure container integrity when a crash occurs in the rail or highway modes, would serve as a criterion against which to evaluate its individual provisions and subsequent administrative decisions. The adoption of a safety convention which does not clearly set forth the intended purpose may result in inconsistencies which may create confusion, controversy, and misconceptions in the administration of its provisions, particularly on an international basis. Further, if the intended limitations are not set forth clearly, requirements for other transport system components which affect losses in accidents will also tend to be obscured, to the detriment of overall safety in transportation. Therefore, the Safety Board, without taking a position on the merits of the intent, believes the ambiguity should be resolved and the title or preamble should reflect more precisely the intended safety purpose of the proposed convention.

Since the convention is still in draft form, it appears timely to propose modification of the title or preamble to correct this problem.

To this end, the National Transportation Safety Board urges that the Secretary of State, with the cooperation of the Secretary of Commerce and the Secretary of Transportation, instruct the U. S. Delegation, during future negotiations concerning the Second Revised Draft International Convention for Safe Intermodal Transport Containers, to take the position that the title or preamble to this convention should be revised to set forth clearly the limited intended safety purpose of

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the proposed convention, and to indicate that the convention does not address the ability of the container to resist crashes which might occur during transportation.

The Safety Board appreciates the opportunity to participate in this very worthy safety endeavor.

Sincerely yours,

Original signed by  
John H. Reed

John H. Reed  
Chairman

cc:

Secretary of Commerce  
Secretary of Transportation  
Com. H. F. Lusk, Chairman  
U. S. Solas Working Group

Notation No. 766; Adopted January 21, 1972

cc: NC-1(2); Members; NE-1; NG-1; NP-1; NE-51; NE-513;  
NE-515; NS-1; NS-2; NS-3(Benner)