

National Cargo Bureau, Inc.

17 Battery Place, Suite 1232
New York
NY 10004

Tel: (212) 785-8300
Email: ncbnyc@natcargo.org

S.S. EL YUNQUE

Document No. 101CS01721

Comments on photographs of car lashings

18 November 2016

Requested by: National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington
DC 20594

This is to certify that the undermentioned personnel of National Cargo Bureau, Inc. did, at the request of the above, review photographs of car lashings provided, reportedly taken on board the vessel EL YUNQUE, and have the following to report.

Geoffrey J. Davies
Philip I. Anderson
Edward F. Walker Jr.

Chief Surveyor
Chief, Technical Department
Asst. Deputy Chief, Technical

THIS CERTIFICATE IS NOT A FORM OF INSURANCE, OR GUARANTEE, AND IS ISSUED ON THE FOLLOWING TERMS AND CONDITIONS:
This Certificate and performance of services by National Cargo Bureau ("NCB") shall in no way be deemed to be a representation, statement, or warranty of seaworthiness, quality or fitness for a particular use or service, of any vessel, container, cargo, structure, item of material, or equipment NCB shall not be liable for, and the party to whom this Certificate is issued agrees to indemnify and hold NCB harmless from and against any and all claims, demands, actions for damages, including legal fees, to persons and/or property which may be brought against NCB incidental to, arising out of, or in connection with the services to be performed hereunder, except for those claims caused solely by the negligence of NCB NCB shall be discharged from all liability for negligent performance or non-performance of any services in connection with issuance of this Certificate, unless the same is discovered prior to and is claimed in writing made to NCB within 180 days and litigation is commenced within one year after performance of survey services **THE COMBINED LIABILITY OF NCB, ITS OFFICERS, EMPLOYEES, AGENTS OR SUBCONTRACTORS FOR ANY LOSS, CLAIM, OR DAMAGE ARISING FROM NEGLIGENT PERFORMANCE OR NON-PERFORMANCE OF ANY SERVICES IN CONNECTION WITH THE ISSUANCE OF THIS CERTIFICATE, OR FROM BREACH OF ANY IMPLIED OR EXPRESS WARRANTY OF WORKMANLIKE PERFORMANCE, OR ANY OTHER REASON, SHALL NOT EXCEED IN THE AGGREGATE THE GREATER OF a) \$15,000 OR b) AN AMOUNT EQUAL TO FOUR TIMES THE SUM ACTUALLY PAID FOR THE SERVICES ALLEGED TO BE DEFICIENT. THE LIMITATION AMOUNT MAY BE INCREASED UP TO AN AMOUNT TEN TIMES THAT SUM PAID FOR SERVICES UPON RECEIPT OF CLIENT'S WRITTEN REQUEST AT OR BEFORE THE TIME OF PERFORMANCE OF SERVICES UPON PAYMENT BY THE CLIENT OF AN ADDITIONAL FEE OF \$10.00 FOR EVERY \$1,000.00 INCREASE IN THE LIMITATION AMOUNT. IN NO EVENT SHALL NCB BE LIABLE FOR ANY CONSEQUENTIAL DAMAGES, INCLUDING, BUT WITHOUT LIMITATION, DELAY, DETENTION, LOSS OF USE, OR CUSTOMARY PORT CHARGES TO THE PARTY TO WHOM THIS CERTIFICATE IS ISSUED OR TO ANY OTHER PERSON, CORPORATION OR BUSINESS ENTITY FOR WHOSE BENEFIT THIS CERTIFICATE MAY BE ISSUED.**

1.0 INTRODUCTION

We were provided a series of photographs, reportedly taken on board the vessel EL YUNQUE, a sister to EL FARO, and asked to comment on the car lashings depicted therein.

2.0 REVIEW

The following photographs provided on 22 February 2016 showed car lashings:

IMG_2416
IMG_2418
IMG_2419
IMG_2420
IMG_2421
IMG_2422

One (1) lashing shown in photographs 2418 and 2420 was not technically in accordance with the Cargo Securing Manual as it had been attached to a stanchion as opposed to a designated lashing point. Notwithstanding this, the cars appeared to have been secured in general accordance with the Cargo Securing Manual and the discrepancy noted above would be unlikely to result in lashing failure.

The following photographs provided on 19 October 2016 also showed car lashings:


DSC_0119
DSC_0120
DSC_0121

In these photographs, significant lengths of chain appeared to have been strung athwartships across areas of the vessel with chain ends secured to deck pad-eyes. Car lashings from several vehicles were then secured at various positions along these lengths of chain rather than to designated securing points, such as deck pad-eyes. This is not in accordance with the Cargo Securing Manual. As we have no experience of cars being secured in this manner, we are unable to comment on the efficacy of the lashing arrangement or likelihood of failure in adverse conditions.

3.0 REMARKS

This report is issued without prejudice and is for the benefit of whom it may concern.

NATIONAL CARGO BUREAU, INC.



P. I. Anderson
Chief, Technical Department