



NATIONAL TRANSPORTATION SAFETY BOARD

Washington, D.C. 20594

Safety Recommendation

Date: December 3, 1993

In Reply Refer To: M-93-40

Honorable Jim Guy Tucker
 Governor of Arkansas
 250 State Capitol Building
 Little Rock, Arkansas 72201

About 1130 on Sunday, July 25, 1993 a 9-person family boarded a family-owned boat at a public boat-launching area on the Fourche La Fave River¹ near Perryville, Arkansas. The family intended to go down the river to fish from the bank.

The boat, which was made of aluminum and had a 9.9 horsepower outboard motor, was open, flat-bottomed, 14 feet long, 47 inches wide, and 1 foot deep. Its four bench seats were 34 inches apart and were occupied as follows:

front seat	:	girl (age 12), boy (age 10)
second seat	:	woman (age 40), two girls (ages 7 and 14)
third seat	:	two girls (ages 4 and 10), baby (16-month-old boy)
fourth seat	:	man (age 32).

The weather was clear, visibility was good, the winds were light (0 to 6 mph), and the river was calm with very little current. The air temperature was 90° F, and the water temperature was 81° F. At the site of the accident, the river was approximately 80 feet wide, and its depth at the center varied from 9 to 50 feet.

According to an information tag² attached to the transom of the boat, its capacity was three persons weighing 150 pounds each, or a total weight of 600 pounds for passengers, motor, and gear, assuming that the weight was properly distributed. When the accident occurred, the boat was carrying, it was estimated, about 1,030 pounds (the occupants, a portable 3-gallon

¹This is an Arkansas State waterway and is not subject to Federal boating laws.

²The tag had been issued by the Outboard Boating Club of America, a trade association established before World War II. The association became part of the National Marine Manufacturers Association in the mid '80s.

gasoline tank that was full, a portable 48-quart cooler that held ice, soda, and milk, a tackle box, and the motor).

As the boat headed downstream, water splashed on the boy and girl in the front seat. They moved rearward, causing the boat to flood. It sank in the middle of the river, in about 14 feet of water and about 100 yards downstream from the boat-launching area. The 12-year-old swam the 30 to 40 feet to shore, and the 14-year-old supported herself in the water by holding onto the bow of the boat, which remained above the surface. She was rescued by fishermen who happened to arrive at the accident site shortly after the accident occurred. The seven other family members drowned.

Neither the boat nor the passengers were equipped with personal flotation devices (PFDs). Motorboats of less than 10 horsepower, as this one was, are not required to carry PFDs while they are on Arkansas waters. Under Federal regulations (33 CFR 175.11-.21),³ every recreational boat no matter how it is propelled must carry enough PFDs for everyone on board. (The only exceptions are racing shells, rowing sculls, and racing kayaks.)

Weather and river conditions were excellent and in no way contributed to the accident. The boat was dangerously overloaded; consequently, the slightest loading imbalance caused it to flood and sink. Because the weather was excellent, because the boat was close to shore, and because help was available, the National Transportation Safety Board believes that had each occupant of the boat worn a PFD, everyone would probably have survived.

As a result of the Safety Board's 1993 safety study,⁴ the Safety Board believes that children should be required to wear PFDs. The Board has made recommendations to that effect to the governors of all the States and to the U.S. Army Corps of Engineers. The Board has also recommended that the U.S. Coast Guard, the National Association of Boating Law Administrators, and the American Academy of Pediatricians develop "standards that establish an age at or below which all children should be required by all States to wear personal flotation devices while in recreational boats." Currently, 20 States and one territory require children to wear PFDs when they are on recreational boats in State waters.

The Safety Board's 1993 safety study further suggested that boat operators lack basic knowledge or appreciation of the dangers involved in operating improperly loaded or overloaded recreational boats. As a result of the study, the Board issued Safety Recommendation M-93-1 on May 25, 1993, to all States, U.S. territories, and the District of Columbia:

³Federal regulations apply only on waters designated as being part of the navigable waters of the United States. Most landlocked lakes and minor streams within the boundaries of a single State do not fall under the authority of Federal regulations.

⁴Safety Study--*Recreation Boating Safety* (NTSB/SS-93/01), April 1993.

Implement minimum recreational boating safety standards to reduce the number and severity of accidents; consider requirements such as mandatory use of personal flotation devices for children, demonstration of operator knowledge of safe boating rules and skills, and operator licensing.

As of October 15, 1993, the Board has received positive responses from five States (Florida, Indiana, Maryland, Montana, and Ohio). The Board believes that the Perryville accident further underscores the need to implement Safety Recommendation M-93-1 and urges Arkansas to consider the merit of this action in light of this accident.

Therefore, the National Transportation Safety Board recommends that the State of Arkansas:

Amend State regulations for recreational boats operating on State waters not subject to Federal jurisdiction to require that each boat carry one PFD for each person on board. (Class II, Priority Action) (M-93-40)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation M-93-40 in your reply. If the Safety Board can provide additional information, please contact Michael Brown by calling the Office of Surface Transportation Safety, (202) 382-0666.

Chairman VOGT, Vice Chairman COUGHLIN, and Members LAUBER, HAMMERSCHMIDT, and HALL concurred in this recommendation.



By: Carl W. Vogt
Chairman

**NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C. 20594**

Marine Accident Brief No. DCA-93-MM-022

Vessel: 14-Foot-Long Motorboat, No. AR-97-LN, Over 20
Years Old,¹ Uninspected
Accident Type: Foundering
Location: Fourche La Fave River, about 1.8 Miles East
of Highway 10, Perryville, Arkansas (Latitude
34° 59.75'N, Longitude 92° 45.75'W)
Date: July 25, 1993
Time: Approximately 1130, Local
Owner: David W. Bailey, Sr., Houston, Arkansas
Property Damage: None
Injuries: 7 Fatalities
Complement: 9

Description of the Accident

About 1130 on Sunday, July 25, 1993, a 9-person family boarded a family-owned boat at a public boat-launching area on the Fourche La Fave River² near Perryville, Arkansas. The family intended to go down the river to fish from the bank. The boat, which was made of aluminum and had a 9.9 horsepower outboard motor, was open, flat-bottomed, 14 feet long, 47 inches wide, and 1 foot deep. Its four bench seats were 34 inches apart. The front seat, which was at the bow was 15 inches wide; the others were 12 inches wide. The second and third seats had foam flotation underneath. The fourth seat was forward of the motor and about 14 1/2 inches forward of the transom.

The seats were occupied as follows:

front seat: girl (age 12), boy (age 10)
second seat: woman (age 40), two girls (ages 7 and
14)
third seat: two girls (ages 4 and 10), baby (16-
month-old boy)
fourth seat: man (age 32).

¹ The boat was too old to have a manufacturer's number. Manufacturer numbers are required under the Federal Boating Act of 1971, which did not go into effect until September 1972.

²This is an Arkansas State waterway and is not subject to Federal boating laws.

The weather was clear, visibility was good, the winds were light (0 to 6 mph), and the river was calm with very little current. The air temperature was 90° F, and the water temperature was 81° F. At the site of the accident, the river was approximately 80 feet wide, and its depth at the center varied from 9 to 50 feet.

Neither the boat nor the passengers were equipped with personal flotation devices (PFDs). Motorboats of less than 10 horsepower, as this one was, are not required to carry PFDs while they are on Arkansas waters. The man, who was operating the boat, had had over 500 hours of experience. Both he and the 12-year-old girl were reported to be swimmers.

According to an information tag³ attached to the transom of the boat, its capacity was three persons weighing 150 pounds each, or a total weight of 600 pounds for passengers, motor, and gear, assuming that the weight was properly distributed. When the accident occurred, the boat was carrying, it was estimated, about 1,030 pounds (the occupants, a portable 3-gallon gasoline tank that was full, a portable 48-quart cooler that held ice, soda, and milk, a tackle box, and the motor).

As the boat headed downstream, water splashed on the boy and girl in the front seat. They moved rearward, causing the boat to flood. It sank in the middle of the river, in about 14 feet of water and about 100 yards downstream from the boat-launching area. The 12-year-old swam the 30 to 40 feet to shore, and the 14-year-old supported herself in the water by holding onto the bow of the boat, which remained above the surface.

Two fishermen, who arrived at the boat-launching area shortly after the accident, found the 12-year-old on the river bank and the 14-year-old holding onto the boat. The men entered the water and brought her ashore. The two girls were taken to a nearby bait shop from which the Perryville sheriff's office was telephoned at 1152.

One of the rescuers searched the river bank for more survivors. He found the 4-year-old in the water, near the river bank, in the approximate area of the accident. She was unconscious. He administered cardiopulmonary resuscitation (CPR) and carried her to the boat-launching area. At 1159, he was met by an Arkansas State trooper, who assisted with further CPR. At 1202, the sheriff and a deputy arrived. Emergency medical

³The tag had been issued by the Outboard Boating Club of America, a trade association established before World War II. The association became part of the National Marine Manufacturers Association in the mid '80s.

technicians arrived shortly thereafter and transported her to the Conway County Hospital, Morrilton, Arkansas, where she was pronounced dead at 1521. Officials started a search by boat at 1230. By 1450, they had found five other victims. At 2030, the search was discontinued. The seventh and last victim was not found until 0945 the next day. She was about 500 yards downstream of the accident site.

Probable Cause

The National Transportation Safety Board determines that the probable cause of the foundering of the motorboat was overloading. Contributing to the loss of life was the lack of personal flotation devices.

Recommendation

As a consequence of this investigation the National Transportation Safety Board recommends that the State of Arkansas:

Amend State regulations for recreational boats operating on State waters not subject to Federal jurisdiction to require that each boat carry one PFD for each person on board. (Class II, Priority Action) (M-93-40).