



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

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**Date:** April 17, 2003

**In reply refer to:** M-03-01

The Honorable Fran P. Mainella, Director  
National Park Service  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

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The National Transportation Safety Board (Safety Board) is an independent Federal agency charged by Congress with investigating transportation accidents, determining their probable cause, and making recommendations to prevent similar accidents from occurring. We are providing the following information to urge you to take action on the safety recommendation in this letter. The Safety Board is vitally interested in the recommendation because it is designed to prevent accidents and save lives.

The recommendation addresses the following safety issue regarding the National Park Service's tour boat concessionaires: the lack of sufficient child-size lifejackets on small passenger vessels that transport children in the national park system. The Safety Board regards the issue as critical enough to issue a safety recommendation in advance of the final accident report.

The safety issue arose during the investigation of the December 30, 2002, sinking of the tour boat *Panther* in Everglades National Park, Florida. The Safety Board learned that the operator of the *Panther*, Everglades National Park Boat Tours, frequently transports large groups of children on its vessels during guided tours of the Ten Thousand Islands area, but that before the accident, the boats did not provide appropriately sized lifejackets for all the children in such groups. The Safety Board has learned that since the *Panther* accident, Everglades National Park Boat Tours has voluntarily purchased 60 child-size lifejackets. The Safety Board is concerned, however, that the same situation identified during the *Panther* investigation may exist in other parts of the national park system where tour boat concessions operate.

Federal regulations for lifejackets on small passenger vessels, as established by Title 46 of the *Code of Federal Regulations* (CFR), require that small passenger vessels provide an appropriately sized lifejacket for *each child carried on board* [emphasis

added], in addition to carrying sufficient child-size lifejackets to equal at least 10 percent of the number of persons permitted on board.<sup>1</sup> For example, the certificate of inspection issued by the U.S. Coast Guard for the *Panther* authorized the vessel to carry 37 passengers, plus a master and a deckhand. The certificate further stipulated that “the minimum number of child-size life preservers required is 4” and that “[a]dditional child-size life preservers shall be provided as needed for the vessel to have an approved life preserver suitable for each child on board.”

Safety Board investigators found that at the time of the accident, all the tour boats operated by Everglades National Park Boat Tours carried sufficient adult-size lifejackets and satisfied the minimum 10-percent requirement for child-size lifejackets, as shown in the table:

<u>Boat</u>	<u>Persons Permitted On Board</u>	<u>Children’s Lifejackets On Board</u>
<i>Panther</i>	39	4
<i>Panther II</i>	39	4
<i>Skimmer</i>	32	4
<i>Manatee</i>	78	8
<i>Manatee II</i>	107	14

According to interviews with National Park Service rangers, however, the number of children carried at one time in boats operated by Everglades National Park Boat Tours can exceed 100. This means that sufficient child-sized lifejackets would not have been available for the children on those excursions at or before the time of the *Panther* accident. Everglades National Park Boat Tours holds a sole-concession contract with the National Park Service and has operated tour boats in the park for 40 years.

In addition to its five large tour boats, Everglades National Park Boat Tours operated two 6-person excursion boats, which had enough lifejackets for all passengers but no child-size lifejackets.<sup>2</sup> Investigators also found 10 spare child-size lifejackets stored on shore at the concessionaire’s facility. Thus, even if the concessionaire had collected the child-size lifejackets from all its tour vessels and the shoreside facility, Everglades National Park Boat Tours could not have provided enough lifejackets for a group of more than 44 children (before the company purchased the additional 60 child-size lifejackets). Moreover, the concessionaire could not have transferred all its available

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<sup>1</sup> Title 46 CFR 117.71 and 180.71: “(a) An adult life jacket must be provided for each person carried on board a vessel. . . . (b) In addition, a number of child size life jackets equal to at least 10% of the number of persons permitted on board must be provided, or such greater number as necessary to provide a life jacket for each person being carried that is smaller than the lower size limit of the adult life jackets provided to meet this section.”

<sup>2</sup> Small passenger vessels that carry 6 or fewer passengers do not require Coast Guard inspection.

child-size lifejackets to one boat without affecting its ability to comply with the certificates of inspection for its other vessels.

When the *Panther* sank, a crab fishing vessel, a private recreational boat, and a Park Service vessel happened to be nearby and so were on hand to render assistance. Such fortuitous circumstances cannot be relied on in the future. If other tour boats carrying large numbers of child passengers find themselves in danger of sinking and rescue vessels are not nearby, the outcome could be disastrous if the vessels are not outfitted with sufficient child-size lifejackets.

During its investigation, the Safety Board learned that the National Park Service can be directly or indirectly involved with arranging boat tours for school groups in Everglades National Park. Sometimes the park sponsors a formal educational trip (for example, across Chokoloskee Bay to Sandfly Island), in which case the Park Service schedules the trip with the concessionaire and provides an interpretive ranger. Other times, a school makes arrangements for a trip with the concessionaire, then calls the Park Service to ask for an interpretive ranger. The Safety Board recognizes that the concessionaire who operates the tour boats has the immediate responsibility for his passengers' safety. But because the boat tours depart from and return to a National Park Service facility, are conducted on vessels operated under contract with the Park Service, and are encouraged, sponsored, and sometimes arranged by the Park Service, passenger safety is an integral part of the Park Service's responsibility.

The Safety Board notes that the Park Service's management policy document (*Management Policies 2001*, section 8.2.5.1) states, "The saving of human life will take precedence over all other management actions" and ". . . the Service and its concessionaires . . . will seek to provide a safe and healthful environment for visitors and employees." Protecting the safety of children in boat tours operated by National Park Service concessionaires, in all parts of the national park system where tour boats operate, includes providing an appropriately sized lifejacket for each child passenger.

The Safety Board is aware that concessionaire contracts between tour boat operators and the National Park Service require that the operators comply with Coast Guard regulations. However, the facts uncovered during the *Panther* investigation demonstrate that such contract language by itself is not sufficient to ensure regulatory compliance. Consequently, the Safety Board believes that the National Park Service should establish oversight procedures to verify, on a regular basis, that tour boat concessionaires who operate in the national park system carry an appropriately sized lifejacket for every child on board. The Safety Board anticipates that the National Park Service can undertake such an oversight program with personnel already in place, such as interpretive or enforcement rangers.

The National Transportation Safety Board, therefore, makes the following safety recommendation to the National Park Service:

Establish oversight procedures to verify, on a regular basis, that tour boat concessionaires who operate in the national park system carry an appropriately sized lifejacket for every child on board. (M-03-01)

We urge you to take action on the safety recommendation in this letter. The Safety Board would appreciate a response from you within 90 days addressing the actions you have taken or intend to take to implement our recommendation. Please refer to Safety Recommendation M-03-01 in your reply. If you need additional information, you may call (202) 314-6177.

Acting Chairman HAMMERSCHMIDT and Members GOGLIA and CARMODY concurred in this recommendation.

*Original Signed*

By: Ellen G. Engleman  
Chairman