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

ISSUED: February 12, 1979

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Forwarded to:

Mr. George W. Stewart, Jr.  
President  
National Association of State Boating  
Law Administrators  
c/o Department of Natural Resources  
and Environmental Control  
Edward Tatnall Building  
Dover, Delaware 19901  
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SAFETY RECOMMENDATION(S)

M-79-16

On June 17, 1978, the steam showboat WHIPPOORWILL overturned while in transit on Pomona Lake, Kansas. A waterspout (a tornado occurring over water) passed near the vessel at the time of the accident. Of the 60 persons on board the vessel, 15 were killed and 6 were injured. The vessel sustained minor damage and was returned to passenger service shortly after the accident. 1/

Because Pomona Lake is not "navigable waters" of the United States, the WHIPPOORWILL did not have to comply with the U.S. Coast Guard's rules and regulations in 46 CFR 179 for small passenger vessels. As designed and constructed, the WHIPPOORWILL did not meet the stability requirements for these vessels. The vessel was subject solely to the laws and regulations of the State of Kansas. The Kansas Boating Act, however, regulates recreational boating and does not address commercial vessel safety issues, such as stability criteria. The Act does not establish stability criteria for vessels, and no stability calculations or tests were done for the WHIPPOORWILL. The State of Kansas participates in the National Association of State Boating Law Administrators (NASBLA), and the Kansas Boating Act is based upon the NASBLA model State Boating Act.

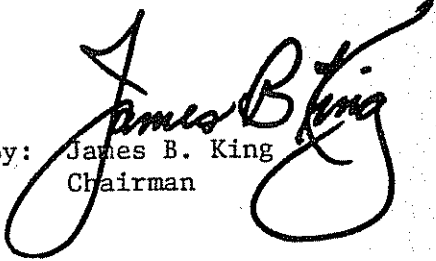
The Safety Board determined that a wind speed of about 25 kns or more could have capsized the WHIPPOORWILL in the condition the vessel was in at the time of the accident. The waterspout was determined to have developed peripheral winds of about 50 kns which struck the vessel. The Safety Board also determined that if the WHIPPOORWILL had met the Coast Guard stability requirements, it would have been able to withstand a wind speed of up to 54 kns without capsizing. Therefore, the Safety Board concluded that had the WHIPPOORWILL been required to meet stricter stability requirements, based on its carriage of passengers and crew and its operation in an area where severe storms are common, it may not have capsized.

1/ For more detailed information read "Marine Accident Report: S/B WHIPPOORWILL Capsizing, Pomona Lake, Kansas, June 17, 1978," (NTSB-MAR-79-2).

Therefore, the National Transportation Safety Board recommends that the National Association of State Boating Law Administrators (NASBLA):

Amend the NASBLA model State Boating Act to require commercial, small passenger vessels operating exclusively on State waters to meet the U.S. Coast Guard stability criteria in 46 CFR 179 for small passenger vessels. (Class II, Priority Action)  
(M-79-16)

KING, Chairman, DRIVER, Vice Chairman, McADAMS and HOGUE, Members, concurred in the above recommendation.

By:   
Chairman