

Log M-195 AI-4

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

ISSUED: June 30, 1982

Forwarded to:
Admiral James S. Gracey
Commandant
U.S. Coast Guard
Washington, D.C. 20593

SAFETY RECOMMENDATION(S)
M-82-32 through -34

About 1200 c.s.t., on December 9, 1981, the U.S. towboat M/V BRUCE BROWN, while pushing a tow of four barges, and the U.S. towboat M/V FORT DEARBORN, while pushing a tow of two barges, collided about mile 677.6 in the Ohio River. As a result of the collision and ensuing fire, the FORT DEARBORN and its tow with damages estimated at \$1.4 million were declared constructive total losses. The lead barge of the M/V BRUCE BROWN's tow suffered damages estimated at \$300,000. No loss of life or personal injury resulted from this accident. 1/

The Rules of the Road for Western Rivers and the Pilot Rules for Western Rivers in effect at the time of this accident required vessels approaching a blind bend to sound a whistle signal. The licensed towboat operators who gave testimony in this investigation indicated that this requirement, although widely known and recognized, is universally ignored and considered useless by towboat operators on the western rivers. Neither operators involved in this accident sounded the required bend signal. But, since the purpose of the bend signal is for a vessel to make its presence known to other vessels approaching a blind bend, and since the operators of the vessels involved in this accident had established radio contact on the bridge-to-bridge frequency and were generally aware of each other's presence, the Safety Board believes that the failure to sound the bend signal probably did not contribute to the cause of this accident.

Other vessels on the waterway do not have the capability to establish radio contact with commercial towboats on the vessel bridge-to-bridge frequency. These vessels, mainly pleasure craft, use the waterway extensively and could only be warned of the approach of a tow at a blind bend by the sounding of the required whistle signal. For this reason, the reported practice of towboat operators on the western rivers to ignore the requirement to sound the bend signal is an unsafe condition which could result in the loss of life. The Safety Board believes that the Coast Guard should institute a program to enforce the requirement (Rule 34(e)) that vessels sound the requisite whistle signal upon their approach to a blind bend.

Title 33, Subpart 95.11, of the Pilot Rules for Western Rivers stated, in part, "When two steam vessels are about to enter a narrow channel at the same time, the ascending steam vessel shall be stopped below such channel until the descending steam vessel shall

1/ For more detailed information, read Marine Accident Report--"Collision of the U.S. Towboat M/V BRUCE BROWN and Tow with the U.S. Towboat M/V FORT DEARBORN and Tow, Mile 677.6, Ohio River, December 9, 1981" (NTSB-MAR-82-5).

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have passed through it." The rule, however, did not define what constituted a narrow channel. The courts have held that other factors besides the limiting width of the navigable channel must be taken into account when determining whether a channel is narrow. The operator and the relief operator of the FORT DEARBORN said that they considered Wolf Creek Bend to be a narrow channel. However, the testimony of the operator and the relief operator of the BRUCE BROWN indicated that they did not share this opinion. The new inland rules also state the responsibility of the ascending vessel when meeting a descending vessel at a narrow channel, but fail to define what constitutes a narrow channel. The Safety Board believes that some definition or guidance should be included in the the new rules so that towboat operators may know when to apply this rule. It will do towboat operators little good to learn months after an accident that a court has ruled that a particular portion of a waterway, under a particular set of circumstances was or was not a "narrow channel" under the rules, and that the narrow channel rule should or should not have been applied by the persons involved in the accident. Therefore, the Safety Board believes that the Coast Guard should publish interpretive rulings that would help the towboat operator make the determination for himself and thereby assist him in applying the rules of the road.

Rule 34 of the new Inland Navigation Rules not only specifies the signals to be given by vessels in meeting, crossing, and overtaking situations and by vessels approaching a blind bend, but it also specifies the new danger signal. Section (h) of Rule 34, however, states that a vessel that reaches agreement with another vessel in a meeting, crossing, or overtaking situation by using the radiotelephone as prescribed by the Bridge-to-Bridge Radiotelephone Act, is not obligated to sound the whistle signals prescribed in the rule. In a literal interpretation, section (h) could be taken to mean that vessels meeting in a blind bend who establish a meeting agreement by using the bridge-to-bridge radiotelephone, are not required to sound the bend signal, or the danger signal. The Safety Board does not believe that this is the intent of the rule. To avoid confusion, the Coast Guard should publish an interpretive ruling regarding this section so that there will be no doubt as to those situations where the sounding of whistle signals are to be considered permissive.

Therefore, the National Transportation Safety Board recommends that the U.S Coast Guard:

Publish interpretive rulings so that river towboat operators will know when to apply the narrow channel rule of the Inland Navigation Rules Act, 1980. (Class II, Priority Action) (M-82-32)

Establish an informational and enforcement program regarding the provisions of Rule 34 (e) of the Inland Navigation Rules Act 1980 on the western rivers of the United States to promote the use of the bend signal. (Class II, Priority Action) (M-82-33)

Publish an interpretive ruling of Rule 34 (h) of the Inland Navigation Rules Act 1980 to clarify those situations wherein the sounding of whistle signals is considered permissive, rather than obligatory. (Class II, Priority Action) (M-82-34)

BURNETT, Chairman, GOLDMAN, Vice Chairman, and McADAMS, and BURSLEY, Members, concurred in these recommendations.

By: Jim Burnett
Chairman

Patricia A. Goldman
for