



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Date: October 3, 1986
In reply refer to: M-86-113 and -114

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Commandant
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About 1611 P.s.t. on February 8, 1986, the MERRY JANE, a 65-foot charter passenger vessel, was returning to Bodega Bay, California, after a sportfishing trip when it was overtaken by large waves. As the first large wave passed under the MERRY JANE's port quarter, the vessel was suddenly raised and its bow swung to the left forcing the vessel to become broadside to the waves. The vessel was heeled to starboard and nearly capsized. The sudden large heel caused two passengers on the bow, one passenger on the flying bridge, and one crewmember near the stern to be thrown overboard. A few seconds later the same large wave broke over the vessel's port side, flooded the after deck, and washed 14 of the 48 passengers overboard. After the vessel righted, it was struck again by another large wave which again heeled the vessel severely and also broke over the vessel. The operator succeeded in turning the vessel to the left in order to head into the seas. Once headed into the seas, the MERRY JANE encountered one more large wave and one more passenger was thrown overboard. Of the 19 persons thrown into the water, 10 persons were rescued and 9 persons died. The MERRY JANE sustained only minor damage. 1/

Only one of the passengers thrown into the water was wearing a life preserver. The Code of Federal Regulations at 46 CFR 185.25-5(a)(4) requires that an emergency checkoff list be posted on small passenger vessels. One item on the list concerns passengers putting on life preservers if the going becomes very rough or if the vessel is about to cross a hazardous bar. The investigation did not uncover any similar accidents to small passenger vessels or commercial fishing vessels caused by unfavorable conditions occurring between Bodega Head and Bodega Rock which would indicate that this area is usually hazardous. This fact is probably due to the self-imposed guidelines of the mariners who avoid the area when the breakers are extensive. However, this accident demonstrates that the area can become hazardous unexpectedly.

1/ For more detailed information read Marine Accident Report--"Near Capsizing of the Charter Passenger Vessel MERRY JANE, Bodega Bay, California, February 8, 1986" (NTSB/MAR-86/11).

As a result of its investigation of the capsizing of the charter passenger vessel SAN MATEO 2/ at the entrance of Morro Bay, California, on February 16, 1983, the Safety Board concluded that there should be some form of mandatory requirement for wearing life preservers and issued the following recommendation to the Coast Guard:

M-83-80

Amend 46 CFR Part 185 to require that children carried on board small passenger vessels wear life preservers while the vessel is departing protected waters and until such time as the operator determines that it is safe to remove them.

The Coast Guard did not concur with Safety Recommendation M-83-80 and responded that the decision that passengers aboard small passenger vessels wear life preservers should remain the responsibility of the operator. The Safety Board responded that unless Federal regulations are revised to "require" rather than "recommend" the wearing of life preservers either during or in anticipation of emergency situations, passengers of small passenger vessels will not be afforded the full protection intended by the Federal regulations requiring that the equipment be on board. The Safety Board has placed Safety Recommendation M-83-80 in a status of "Open--Unacceptable Action" and has asked that the Coast Guard reconsider its position on this matter.

Because the MERRY JANE's operator was not accustomed to requiring passengers to wear preservers and because he foresaw no apparent danger that would indicate that life preservers would be needed, no one was wearing them while the vessel was entering Bodega Bay. Thus, this accident demonstrates again that it is not safe or reasonable always to rely solely upon the operators of small passenger vessels to decide when their passengers should wear life preservers. The provision on the checkoff list to have passengers put on life preservers if the going becomes very rough or if the vessel is about to cross a hazardous bar can serve to inform or to remind the operator and passengers of the type of situations when life preservers are to be worn. However, since the determination of what constitutes "very rough" or "hazardous" is left to the judgment of the operator, these two terms are subject to wide interpretation. Most bars or passages to bays or ports are not always hazardous, and it is difficult for even an experienced operator to anticipate when a bar or passage may become hazardous. However, the Safety Board believes that those ports that have entrances that are susceptible to breaking waves like Bodega Bay, California, could be identified. Since life preservers are available and their use could contribute significantly to passenger safety, the Safety Board believes that passengers should be required to wear them on the open decks of small ocean and coastwise vessels up to 65 feet in length carrying passengers for hire while these vessels are leaving and entering ports which are susceptible to breaking waves similar to Bodega Bay. This requirement should include the smaller category of inspected passenger vessels up to 65 feet in length and uninspected vessels carrying six or fewer passengers. This latter category of vessels, which includes those most likely to be capsized by large swells, is not currently addressed by comparable Coast Guard regulation.

2/ Marine Accident Report--"Capsizing of the Charter Passenger Vessel SAN MATEO, Morro Bay, California, February 16, 1983" (NTSB/MAR-83/09).

By the time the MERRY JANE's passengers and one deckhand could recover from being thrown about by the vessel's rolling, break out the life preservers, and throw them to the passengers in the water, the vessel had drifted 50 to 100 feet from the passengers in the water. Since it is difficult to throw a life preserver or a life ring buoy more than 20 feet, most of the life preservers thrown overboard landed too far away from the passengers. This effort, though well-intended, could have depleted the supply of life preservers available to those passengers and crew remaining on board.

The operator found it difficult to lift the lifefloats out of their float-free mounts and to launch them over the side. After launching two of the three bulky lifefloats, the operator elected to spend his time more effectively by maneuvering the vessel to search for survivors. Only one survivor was able to reach one of the lifefloats. The lifefloat stowage was not designed for quick release when the vessel was on the surface, but rather to allow the lifefloats to float free if the vessel sank.

The primary buoyant devices that the passengers in the water used were floating debris like coolers, the fillet table, and a deck bench that broke loose. All of these items went overboard when the passengers were swept overboard. The use of these devices does not appear to have been very effective. More lives might have been saved if there had been some way to quickly get flotation devices to those passengers in the water before the vessel was forced to turn away from them to meet other large waves. The Safety Board believes that there is a need for some means by which the crew of a small passenger vessel can quickly dispense some type of flotation devices to persons in the water who are beyond the distance from the vessel that currently available life ring buoys and life preservers can be thrown by hand. The Safety Board also believes that the Coast Guard should conduct research to determine if such a device or method could be developed. A great number of these devices probably would not be needed if life preservers were routinely worn by passengers on open decks of small ocean and coastwise passenger vessels while these vessels are leaving and entering port.

The welcoming briefing, recited by the operator using the vessel's public address system, may have assured the passengers that all safety equipment such as life preservers was on board. However, the operator's statement that the safety equipment was for use only during extreme emergencies also may have been counter-productive and caused the passengers to assume that it was unlikely the life preservers would ever be used. In this case, a more positive passenger briefing and a demonstration on the use of life preservers would have increased the passenger's awareness of where to find the life preservers and how to put them on.

As a result of the SAN MATEO accident, the Safety Board issued the following recommendation to the Coast Guard--

M-83-79

Amend 46 CFR 185.25 to require that a safety orientation briefing, which includes a demonstration of the proper method of donning life preservers, be provided to passengers on board small passenger vessels that operate on other than protected waters. This briefing should include a statement that all passengers will be requested to don life preservers when possibly hazardous conditions may be expected to be encountered.

On February 23, 1984, the Coast Guard responded,

This recommendation is concurred with. A regulatory project will be initiated to review and revise as necessary, portions of Title 46, Code of Federal Regulations, Subchapter T (Small Passenger Vessels Under 100 Gross Tons). Included in the revision would be a proposal to change 46 CFR 185.25-1(d) which would require a safety orientation announcement rather than making it optional as is now the case. A requirement for operators to advise passengers of certain safety precautions will also be considered. Included would be a general list of conditions under which passengers will be requested or required to don life preservers.

Since 46 CFR 185.25 has not yet been amended, Safety Recommendation M-83-79 is currently classified as "Open--Acceptable Action." The pending Notice of Proposed Rulemaking (NPRM) which will contain the proposed regulation to require a verbal safety briefing is expected to be published for public comment during the early part of 1987.

In this accident there was some uncertainty during the first day as to the number and identity of the missing persons because the passenger manifest did not list each passenger by name. Since there were survivors available who could identify those in their respective groups, it was possible to ascertain the names of all the passengers and ultimately to verify the identity of those passengers still missing before the end of the search effort. The search effort was not adversely affected since it was believed that at least four persons were missing; however, extra effort was required by the Sonoma County sheriff's department, which expeditiously completed the passenger list on the second day.

As a result of its investigation of the sinking of the charter fishing boat JOAN LA RIE III in the Atlantic Ocean off Manasquan Inlet, New Jersey, on October 24, 1982, 3/ the Safety Board issued the following recommendation to the Coast Guard:

M-84-14

Require operators of charter fishing boats making an offshore trip or voyage to prepare a crew and passenger list and deposit the list, or copy thereof, at a suitable location ashore before departure.

The Coast Guard concurred with Safety Recommendation M-84-14 and stated that revisions to Title 46 CFR would include implementing regulations regarding lists and counts on small passenger vessels making an offshore trip. Revisions would require preparation of a crew and passenger list to be deposited at a suitable location ashore before departure. The Safety Board has classified Safety Recommendation M-84-14 as "Open--Acceptable Action." The pending NPRM which will contain the proposed regulation to require the crew and passenger list is expected to be published for public comment during the early part of 1987.

As a result of its investigation of this accident, the National Transportation Safety Board reiterates Safety Recommendations M-83-79 and M-84-14. In addition, the National Transportation Safety Board recommends that the U.S. Coast Guard:

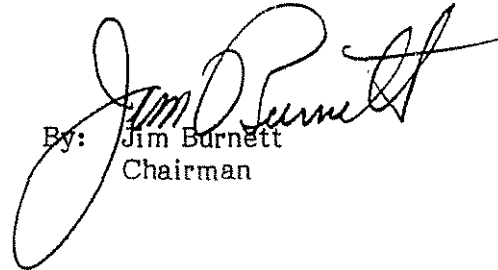
3/ Marine Accident Report--"Sinking of the Charter Fishing Boat JOAN LA RIE III off Manasquan Inlet, New Jersey, October 24, 1982" (NTSB/MAR-84/02).

Require that life preservers be worn by passengers of small ocean and coastwise passenger vessels up to 65 feet in length, while on open decks during the time that these vessels are leaving or entering ports which are susceptible to breaking waves similar to Bodega Bay, California. (Class II, Priority Action) (M-86-113)

Conduct research into means to quickly dispense flotation devices, suitable for use on small passenger vessels, to persons in the water who are beyond the range of currently available hand-thrown devices. (Class II, Priority Action) (M-86-114)

Also as a result of its investigation, the Safety Board issued Safety Recommendation M-86-115 to the National Oceanic and Atmospheric Administration.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and LAUBER and NALL, Members, concurred in these recommendations.


By: Jim Burnett
Chairman