



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

---

**Date:** July 3, 2002

**In reply refer to:** M-02-17

Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

---

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 this recommendation because it is designed to prevent accidents and save lives.

The recommendation addresses the issue of vessel communications. The recommendation is derived from the Safety Board's investigation of the fire on board the small passenger vessel *Port Imperial Manhattan* in the Hudson River, New York City, New York, on November 17, 2000, and is consistent with the evidence we found and the analysis we performed.<sup>1</sup> As a result of this investigation, the Safety Board has issued the safety recommendations to the U.S. Coast Guard, the Federal Communications Commission, NY Waterway, and the Passenger Vessel Association. The Safety Board would appreciate a response from you within 90 days addressing actions you have taken or intend to take to implement our recommendation.

To familiarize you with the events of the accident, the U.S. small passenger vessel *Port Imperial Manhattan* was carrying 11 people on an evening commuter run from Manhattan to Weehawken, New Jersey, when a fire broke out. The crew attempted to put out the fire with portable extinguishers, with no success. The fire burned out of control, causing the vessel to lose power and forcing the crew and passengers to abandon the interior spaces. They transferred to another NY Waterway vessel, and the burning vessel was towed to Manhattan, where the New York City Fire Department extinguished the fire. One passenger was treated for smoke inhalation. Estimated damage to the *Port Imperial Manhattan* was \$1.2 million.

---

<sup>1</sup> For further information, read: National Transportation Safety Board, *Fire on board the Small Passenger Vessel Port Imperial Manhattan, Hudson River, New York City, New York, November 17, 2000*, Marine Accident Report NTSB/MAR-02/02 (Washington, DC: NTSB, 2002).

According to the master of the *Port Imperial Manhattan*, shortly after the vessel had departed the Manhattan pier, he saw smoke coming from the engine room vent. He made a VHF radiotelephone call requesting a nearby NY Waterway vessel to standby; however, moments later, the *Port Imperial Manhattan*'s radio became inoperative when the fire burned through the electrical cables to the pilothouse. The VHF radiotelephones on the *Port Imperial Manhattan* were not outfitted with an emergency source of power that enabled them to operate in the event of a power failure; no emergency backup was required for the small passenger vessel because it measured less than 100 gross tons. Federal Communications Commission (FCC) requirements at 47 CFR 80.917, "Compulsory Radiotelephone Installation for Small Passenger Boats," stipulate:

- (a) A vessel of more than 100 gross tons the keel of which was laid after March 1, 1957, must have a reserve power supply located on the same deck as the main wheel house or at least one deck above the vessel's main deck, unless the main power supply is so situated.

Based on its findings in this accident, the Safety Board concluded that the loss of VHF radiotelephone communication unnecessarily increased the risk to passengers and crewmembers. After losing power to the VHF radiotelephone, the *Port Imperial Manhattan* could not communicate with emergency response vessels and other river traffic. If a passenger had jumped or fallen overboard into the water, the *Port Imperial Manhattan* did not have the capability to inform other boats, including the rescue boat, which would have further endangered the person in the water. The *Port Imperial Manhattan* also would not have been able to inform the rescue boat about any injuries to its passengers or crewmembers in order to arrange for appropriate medical transport and service. Without a working radio, the *Port Imperial Manhattan* could not even confirm the number of people on board. In contrast, if the *Port Imperial Manhattan* had been equipped with radio backup, the vessel's crewmembers would have been able to inform the rescue boats of the seriousness of the situation and helped coordinate the rescue operation, perhaps hastening the process.

Although the *Port Imperial Manhattan* is less than 100 gross tons and, therefore, not currently required by regulation to have an emergency source of power for its VHF radiotelephone, after this accident, the operator of the vessel, NY Waterway, installed battery backups for the communications systems in the wheelhouses of all vessels in its fleet. The Safety Board is concerned, however, that other operators of commuter passenger vessels measuring less than 100 gross tons might not voluntarily make such an improvement. The Safety Board is convinced that without a backup source of power to the VHF radiotelephone, the crewmembers and passengers on small commuter vessels are at increased risk in the event of a loss of power.

The National Transportation Safety Board, therefore, makes the following safety recommendation to the Federal Communications Commission:

Require that small passenger vessels have VHF radiotelephone communications systems on board that can operate even when the vessel loses power. (M-02-17)

In your response to the recommendation in this letter, please refer to M-02-17. If you need additional information, you may call (202) 314-6177.

Chairman BLAKEY, Vice Chairman CARMODY and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in this recommendation.

*Original Signed*

By: Marion C. Blakey  
Chairman