

In the Matter of License No. 113296 and all other Licenses
Issued to: CHARLES E. ERLANDSON

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

928

CHARLES E. ERLANDSON

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

By order dated 8 March 1956, an Examiner of the United States Coast Guard at Baltimore, Maryland, suspended License No. 113296 issued to Charles E. Erlandson upon finding him guilty of inattention to duty based upon a specification alleging in substance that while serving as Master on board the American SS ALCOA RANGER under authority of the license above described, on or about 13 January 1956, while said vessel was approaching Mayaguez, Puerto Rico, he failed to use the sounding machine or fathometer as available means to safely navigate his vessel, thereby contributing to the touching of the bottom by the ALCOA RANGER in approximate latitude 18° 12' 22" N., longitude 67° 12' 11" W.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Appellant was represented by counsel of his own choice and he entered a plea of "not guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer and Appellant's counsel made their opening statements. The Investigating Officer introduced in evidence several exhibits including two charts of the area where the ship ran aground. Appellant and the Second Mate were the only witnesses who testified at the hearing.

At the conclusion of the hearing, having heard the arguments of the Investigating Officer and Appellant's counsel and given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his decision and concluded that the charge and specification had been proved. He then entered the order suspending Appellant's License No. 113296, and all other licenses issued to Appellant by the United States Coast Guard or its predecessor authority, for a period of three weeks.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 13 January 1956, Appellant was serving as Master on board the American SS ALCOA RANGER and acting under authority of his License No. 113296 when the ship ran aground on Manches Grandes Reef, at 0624, while approaching Mayaguez on the west coast of Puerto Rico.

The ALCOA RANGER is a steam cargo vessel of 8182 gross tons. At 0000 on 13 January, she departed from San Juan, Puerto Rico with 709 tons of general cargo and 9 passengers on board. Her draft was 7 feet, 6 inches forward and 18 feet, 4 inches aft. Appellant went below at 0130 after leaving verbal orders to call him "in plenty of time" for arrival at Mayaguez, Puerto Rico. Appellant did not leave any instructions with respect to the use of sounding equipment. There was a sounding machine on board and a fathometer located in the chart room aft of the wheelhouse. Both pieces of equipment were in good operating condition. No soundings were taken prior to the grounding. The radar was in operation after leaving San Juan.

The Second Mate had the 0400 to 0800 bridge watch. The balance of the deck watch consisted of a helmsman, a lookout and

one other able or ordinary seaman.

At 0540, the Second Mate changed course from 220 degrees true to 145 degrees true when Point Jiguero was bearing 090 degrees true at a distance of about 3 miles. The ship was traveling at full speed ahead which was estimated to be a speed of 16.5 knots over the ground. The intended course was to remain on 145 true for approximately 9.8 miles and then to change course to 109 degrees true in order to pass between the two lighted entrance buoys and enter the harbor on course 109 steering on the two range lights in the harbor. The point at which it was intended to make the course change to 109 true was on the edge of the 100 fathom curve and about 1.5 miles from the entrance buoys as well as from Manches Grandes Reef which was dead ahead on course 145 true. The 100 fathom curve is very clearly defined on the charts. The water shoals abruptly after passing the 100 fathom curve.

At the estimated speed of 16.5 knots, the ship would travel the 9.8 miles on course 145 in 36 minutes and the course change to 109 would be made at 0616. The Second Mate obtained fixes at 0546 and 0557. The latter was the last fix obtained prior to the grounding at 0624. Based on the 0557 fix, the Second Mate correctly calculated that the course change to 109 true should be made at approximately 0618 since the remaining distance on course 145 was 5.7 miles.

At this time, the weather was clear and visibility was good. There were moderate swells (5 to 6 feet) and a west southwest wind of force 5 which had no appreciable effect on the speed of the ship. These conditions remained fairly constant until the grounding which occurred prior to sunrise.

The Second Mate called Appellant shortly after 0600. Appellant arrived on the bridge at 0615 and ordered the engine placed on maneuvering speed at full throttle. The entrance buoys - one flashing green and the other flashing white - had not been sighted and could not be picked up on the radar. At 0619.5, Appellant ordered the engines slow ahead. With binoculars, Appellant saw the flashing green entrance buoys on the port side. At 0622, Appellant saw the flashing green entrance buoy abaft the port beam. Appellant immediately ordered hard left rudder and half astern since it was obvious that the ship was well beyond the

intended turning point and headed for the reefs to the south of the entrance buoys. The only other vessel in the vicinity was the pilot boat which was lying near the entrance buoys. She signalled with a red flare to indicate danger. The Second Mate had thought that the image of the pilot boat on the radarscope represented a fishing vessel.

At 0624, the ALCOA RANGER ran aground almost imperceptibly at approximately the latitude and longitude stated in the specification. The number 2 entrance buoy was bearing 017 degrees true at a distance of seven-tenths of a mile. the engines were stopped. The pilot came aboard and advised Appellant. After maneuvering with her starboard anchor out, the ship backed clear of the reef at 0830 under her own power and proceeded into Mayaguez. There were no injuries to personnel as a result of the grounding. There was an estimated \$37,000 worth of damage to the propeller blades and rudder. From 0557 (the time of the last fix) until the grounding, the ship had approximated her estimated speed of 16.5 knots.

Appellant has no prior record.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant contends that the Examiner's decision is contrary to the facts and the evidence in the following respects: it wa impractical to rig the sounding machine; there would not have been sufficient time to warm up the fathometer if it had been turned on after Appellant arrived on the bridge; the operation of sounding devices would have served no useful purpose since the vessel was so close to the reef that soundings indicating lesser depths would have been obtained too late to avoid touching the reef; the casualty would not have occurred if Appellant had been called in time; and the real reason for the grounding was the failure of the experienced Second Mate, who was familiar with these waters, to sight the two entrance buoys.

For these reasons, it is respectfully submitted that the decision of the Examiner should be reversed and Appellant's record cleared.

APPEARANCE AT HEARING: John H. Skeen, Jr., of Baltimore,
Maryland, of Counsel.

APPEARANCE ON APPEAL: Robert H. Williams, Jr., of Baltimore,
Maryland, of Counsel.

OPINION

It is my opinion that Appellant's contentions are without merit. In view of the Master's responsibility for the safety of his ship at all times, the record indicates that Appellant did not take the precautions which were reasonably required under the prevailing circumstances.

Since it was Appellant's duty to use every reasonable means available to insure the safety of his ship, he was inattentive to duty in not requiring that the fathometer be in operation continuously after the ship's course was changed to 145 degrees true in order to parallel the shoreline on a course which was within between one and two miles of shoals at all times up to the intended turning point 9.8 miles along course 145.

Appellant admitted in his testimony that it was a very good practice to take soundings while making a landfall; and that he could have used the fathometer although it was impractical to use the sounding machine. The fathometer should have been under almost constant observation as the ship approached the turning point which was also where the ship passed over the 100 fathom curve. I even though the two entrance buoys were not sighted, the knowledge of the sudden shoaling of the water would have indicated that the ship had overrun the intended turning point and was headed for Manches Grandes Reef at a distance of about 1.5 miles. The need to make full use of the information available from the fathometer applied particularly in this case because of the numerous reefs directly to the north and south of the two entrance buoys toward which the ship was headed.

Appellant had ample time during which to take soundings in order to determine whether the ship was approaching dangerously close to the reef; and he had adequate warning that there was good cause to take such soundings. Appellant reached the bridge at 0615 - 9 minutes before and more than two miles from the point of the

grounding, and 7 minutes before he ordered the engines half astern. The ship was proceeding toward shoals at 16.5 knots, the ship should change course to 109 true at 0618 in order to pass between the two entrance buoys which were about four-tenths of a mile apart. After 0618, there was serious danger. Nevertheless, the first speed change from full ahead was at 0619.5 when Appellant ordered the engines slow ahead. The next change of speed was ordered at 0622 (half astern) when Appellant sighted the green flashing entrance buoy. Especially since the ship was operating on the basis of dead reckoning estimates, Appellant acted unreasonably and was inattentive to his duty when he failed to take advantage of the four minutes between 0618 and 0622 by taking whatever steps were necessary to obtain accurate soundings. This would have shown that the ship had gone too far on course 145 true. In order to have time to avoid any danger after ascertaining the depth of the water, it should have been apparent to Appellant, as a prudent navigator, that it was necessary to stop the ship while taking soundings with either the fathometer or sounding machine. Appellant had ample time to take such precautions in order to avoid the possibility of running aground. Hence, the facts that he was not called earlier and that the Second Mate did not sight the two entrance buoys do not exonerate Appellant from blame for the grounding of his ship.

ORDER

The order of the Examiner dated at Baltimore, Maryland, on 8 March 1956, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 29th day of October, 1956.

***** END OF DECISION NO. 928 *****

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