



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Date: Nov 23, 1999

In reply refer to: M-99-17

To the Governors of the States and Territories and to the Mayor of the District of Columbia

During the early morning hours of December 29, 1997, the 34-foot recreational sailing vessel *Morning Dew* struck the rock jetty on the north side of the shipping channel into the harbor of Charleston, South Carolina. The boat was later found about 15 yards south of the jetty, submerged in about 12 feet of water. The owner/operator of the vessel and his three passengers, all members of the same family, died as a result of the accident.¹

The National Transportation Safety Board determined that the probable cause of the sinking of the *Morning Dew* was the operator's failure to adequately assess, prepare for, and respond to the known risks of the journey into the open ocean that culminated in the vessel's allision with the jetty at the entrance to Charleston Harbor. Contributing to the loss of life in this accident was the substandard performance of U.S. Coast Guard Group Charleston in initiating a search and rescue response to the accident.

The investigation of this accident revealed, in several instances, a lack of coordination between the Coast Guard and South Carolina agencies and individuals charged with boating safety responsibilities. Under the Federal Boat Safety Act of 1971, recreational boating safety became a shared responsibility of the Coast Guard and the States. The responsibilities of each party were typically spelled out in negotiated and periodically updated agreements between each Coast Guard district and each of the States within the district's area of responsibility. In the case of South Carolina, a memorandum of understanding (MOU) between the Seventh Coast Guard District and the State was signed in 1984 and reviewed in 1994.

The Boat Safety Act was enacted, in part, to foster cooperation between State and Federal governments in reducing deaths, injuries, and property damage from recreational boating accidents. The act specified cooperative agreements of the type in place between South Carolina and the Coast Guard as one method of ensuring the desired coordination. These agreements

¹ For more information, see Marine Accident Report—*Sinking of the Recreational Sailing Vessel Morning Dew at the Entrance to the Harbor of Charleston, South Carolina, December 29, 1997* (NTSB/MAR-99/01).

usually cover such subject areas as law enforcement, public education and training, boating casualty reporting and investigative reports, search and rescue, aids to navigation, and use of the Coast Guard Auxiliary.

The MOU the Coast Guard entered into with South Carolina states that the State has primary responsibility concerning recreational vessels on the waters subject to joint State/Federal jurisdiction. The MOU gives to South Carolina the responsibility for investigating recreational boating accidents involving one or more fatalities and requires State officials to forward a copy of the casualty report to the commanding officer of the Coast Guard Marine Safety Office in Charleston. The commanding officer of Coast Guard Group Charleston stated that he was unaware of the MOU. Had he known of the agreement and its provisions, the coordination between the Coast Guard and the SCDNR in the aftermath of this accident may have been significantly improved.

Two issues concern the Safety Board in regard to the agreements now in place between the Coast Guard and the States. First, with both State and Federal government boating safety programs responding to shifting responsibilities and sometimes erratic funding, the circumstances under which a particular MOU or statement of agreement was prepared can change. These changes need to be reflected in revised agreements. Second, turnover of personnel in State agencies, as well as in the Coast Guard, can lead to a situation such as that occurring in the *Morning Dew* accident in which a responsible Coast Guard individual was not aware that an agreement existed.

The Safety Board notes that at least some of the Coast Guard's agreements with the States delegating boating safety responsibilities have been updated since they were originally signed. For example, the MOU the Coast Guard signed with the State of South Carolina was reviewed in 1994. However, in the 5 years since that update, personnel changes have undoubtedly occurred in both State agencies and the Coast Guard, and relevant telephone numbers, points of contact, and agency responsibilities may also have changed. Such changes can quickly render agreements out of date, making them less effective in promoting the degree of cooperation and coordination envisioned when the agreements were originally prepared. And although the Coast Guard, in the wake of the *Morning Dew* accident, directed its district commanders to review existing agreements or MOUs for currency, that guidance did not provide a time frame for the completion of the reviews, nor did it provide for follow-up periodic review and updating, which is necessary to ensure that the agreements are kept current.

The Safety Board concluded that in order to ensure effective coordination and cooperation between the Coast Guard and the States in boating accident cases, the agreements between the Coast Guard and the States that govern such cases must be jointly revised or updated on a regular basis to keep them current and to keep the appropriate personnel aware of their contents.

The National Transportation Safety Board therefore issues the following safety recommendation to the Governors of the States and Territories and to the Mayor of the District of Columbia:

Within 6 months, and at least biennially thereafter, work with the Coast Guard to review and revise, as necessary, all boating safety agreements between your State and the Coast Guard to ensure that those agreements accurately reflect current responsibilities and jurisdictions of each entity in such areas as boating casualty accident investigation and reporting, search and rescue, and related boating safety issues. (M-99-17)

Also, the Safety Board issued Safety Recommendations M-99-2 through 16 to the U.S. Coast Guard, M-99-18 to the National Association of Boating Law Administrators, M-99-19 to the U.S. Coast Guard Auxiliary, M-99-20 to the U.S. Power Squadrons, M-99-21 to the National Safe Boating Council, and M-99-22 to the Boat Owners Association of the United States..

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility “to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations” (Public Law 93-633). The Safety Board is vitally interested in any action taken as a result of its safety recommendations. Therefore, it would appreciate a response from you within 90 days regarding action taken or contemplated with respect to the recommendation in this letter. Please refer to Safety Recommendation M-99-17 in your reply. If you need additional information, you may call (202) 314-6457.

Chairman HALL, Vice Chairman FRANCIS, and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in this recommendation.

By: Jim Hall
Chairman