Towing Vessel Safety: Analysis of Congressional and Coast Guard Investigative Response to Operator Involvement in Casualties Where a Presumption of Negligence Exist

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Abstract
Legislation proposed by members of the 103rd Congress to address towing vessel safety resulted from three focusing events. The proposed legislation was not passed. There is a continuing need to address the human element in marine casualties. Prevention through enforcement is a viable solution to some human causal factors. Numerous personnel investigations which should have been initiated following towing vessel groundings during 1992 and 1993, were not pursued; despite a presumption of negligence that exists in grounding cases. Due to the presumption, all groundings, and particularly those attributed to human factors during a casualty investigation provide sufficient reason to initiate a personnel investigation to ascertain if the casualty is attributable to the operator’s action or inaction. Initiating personnel investigations is necessary to establish whether remedial action is justified. Failure to initiate remedial action against a negligent towing vessel operator’s license following a grounding allows the individual to continue operating under the authority of a license. When remedial action is not pursued, similar casualties could reoccur. Therefore, the Coast guard has foregone a prime opportunity; to preclude similar casualties from recurring; and, ultimately improve towing vessel safety.

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Access to vessels will normally be provided by the accommodation ladder or gangway, which must be safely secured. Several hazards are common to all areas of vessels. Insects are very resilient and can be found almost anywhere, rats have been found in holds and soiled items can be dropped by people in all areas and should not be touched without gloves. Ship’s equipment: Never attempt to examine any equipment on board until you have consulted a responsible officer. Remember: the operator may have a limited view, particularly in the hold. You must observe any instructions from officers or crew. Remember: in tidal basins the ship’s mooring lines may require frequent adjustment using winches. Separately, the Coast Guard Investigative Service, Federal Bureau of Investigation, and the Bureau of Alcohol, Tobacco, Firearms and Explosives are supporting a Department of Justice investigation and will work in close coordination with the US Attorney’s Office. The Coast Guard’s Marine Board of Investigation will coordinate directly with DOJ before seeking additional information from a witness, seeking new evidence or holding public hearings. “The Coast Guard is deeply saddened by the tragedy that occurred near Santa Cruz Island,” said Capt. Jason Neubauer, chair of the Marine Board of Inves