



UNITED STATES COAST GUARD

**THE REPORT OF INVESTIGATION
INTO THE
LOSS OF LIFE RESULTING FROM THE
TX7817EB RUNNING OVER A RECREATIONAL
KAYAK ON REDFISH BAY ON MAY 27, 2019**



MISLE ACTIVITY NUMBER: 6714225

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

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16732/IIA #6714225
08 October 2025

**COLLISION BETWEEN THE UNINSPECTED PASSENGER VESSEL TX7817EB
AND A RECREATIONAL KAYAK RESULTING IN THE LOSS OF ONE LIFE ON
REDFISH BAY, TEXAS ON MAY 27, 2019**

ACTION BY THE COMMANDANT

The record and the report of the investigation completed for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations, are approved subject to the following comments. This marine casualty investigation is closed.

ACTION ON RECOMMENDATIONS

Recommendation 1: To achieve the shared goal of maritime safety, it is recommended that the Coast Guard revise Inland Navigational Rule 25(d)(ii), Title 33 Code of Federal Regulations (CFR) Section 83.25(d)(ii), to remove the option to have an electric torch or lighted lantern, leaving the option of having side lights and stern light or an all-around white light. Currently, 33 CFR § 83.25(d)(ii) provides, "A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall exhibit an all-around white light or have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision."

In this case, the operator of the kayak launched with only a single-beam headlamp that was only visible from one vantage point, namely the direction the operator's head was turned. Thus, in accordance with Rule 25(d)(ii), the operator of the kayak was likely in compliance with the requirement to carry an electric torch that could have been used to signal oncoming mariners to prevent a collision. However, from a distance, the Captain of the motor vessel may not have seen the single-beam headlamp if the operator of the kayak did not turn his head. In contrast, and notwithstanding this case, an all-around light provides maximum visibility by projecting a 360-degree beam of light that alerts mariners traveling from any direction, regardless of the position of the kayaker or other vessel under oars. Similarly, sidelights and a stern light provide the same all-around visibility that the all-around white light provides. In addition, since the original drafting of Rule 25, recreational boating has increased significantly through the use of kayaks, paddle boards, and other vessels that are not operated nor have the ability to display sidelights and stern lights like that of a traditional row boat or canoe, thus necessitating the safer all-around white light option rather than an electric torch or lantern. Furthermore, the cost of an all-around white light is approximately \$40, which is near the cost of a dependable headlamp. As such,

08 October 2025

eliminating the option of carrying a torch increases maritime safety and is in keeping with the overall goal of the marine safety program.

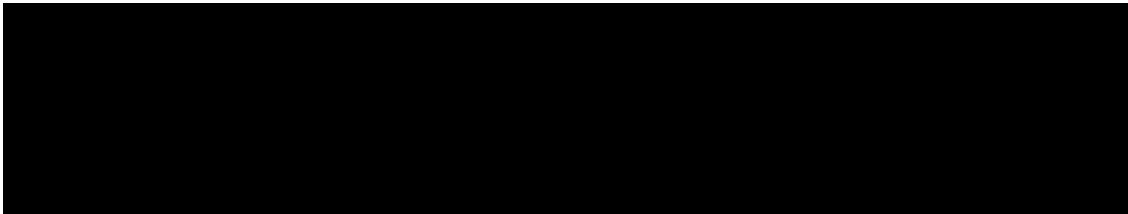
Action: I do not concur with this recommendation. The U.S. Coast Guard (USCG) will not pursue a change to 33 CFR 83.25(d)(ii) to remove the option to have an electric torch or lighted lantern. The current Inland Rules for kayaks are in alignment with the International Regulations for Preventing Collisions at Sea (COLREG) concerning the option to use an electric torch or lighted lantern.

The investigation concluded that excessive speed and failure to maintain a proper lookout by the motorized vessel were the primary causes of the accident, rather than the headlamp or absence of an all-round white light. I also disagree with the investigator's comment that a headlamp satisfies Inland Navigation Rule 25. The intent of the existing rule is to have an electric torch or lighted lantern "ready at hand" to be able draw attention to the vessel under oars. A headlamp, by design, shines forward and down to help the user see, and the range is limited to the mobility of the user's neck.

The report of investigation also issued six Administrative Recommendations to the USCG Sector Corpus Christi Officer in Charge, Marine Inspection (OCMI). I note that the Sector Corpus Christi OCMI concurred with those recommendations and local actions have been completed on Administrative Recommendations 1-6.

Administrative Recommendation 7: Recommend Commander, USCG Heartland District (formerly the Eighth Coast Guard District), refer this case to the U.S. Department of Justice for potential criminal violations identified in paragraph 6.5.

Action: I concur that the investigative findings for this marine casualty warranted a Heartland District criminal referral to the Department of Justice. However, the USCG deferred to Nueces County, Texas prosecutors in this instance as they pursued a criminal charge for negligent homicide against the master of the involved uninspected passenger vessel (UPV). The master was ultimately found not guilty of that offense and the case was dismissed on January 11, 2024. I note that USCG Sector Corpus Christi investigators also filed an administrative Suspension and Revocation complaint against the master of the UPV based on his conduct during the incident, which resulted in the voluntarily surrender of his Merchant Mariner Credential in January of 2023.



R. C. COMPHER
Captain, U.S. Coast Guard
Director of Inspections & Compliance (CG-5PC)



16732
October 1, 2021

**LOSS OF LIFE RESULTING FROM THE TX7817EB RUNNING OVER A
RECREATIONAL KAYAK ON REDFISH BAY ON MAY 27, 2019**

**ENDORSEMENT BY THE COMMANDER,
EIGHTH COAST GUARD DISTRICT**

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved subject to the following comments. It is recommended that this marine casualty investigation be closed.

COMMENTS ON THE REPORT

The loss of the recreational kayaker was a tragic and preventable accident. I offer my sincere condolences to the families and friends of the kayaker who lost his life.

ENDORSEMENT/ACTION ON RECOMMENDATIONS

Safety Recommendation 1: To achieve the shared goal of maritime safety, it is recommended that the Coast Guard revise Inland Navigational Rule 25(d)(ii), 33 C.F.R. 83.25(d)(ii) to remove the option to have an electric torch or lighted lantern. Currently, 33 C.F.R. 83.25(d)(ii) provides a vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall exhibit an all-around white light or have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

In this case, the operator of the kayak launched with only a single-beam headlamp that was only visible from one vantage point, namely the direction the operator's head was turned. Thus, in accordance with Rule 25(d)(ii), the operator of the kayak was likely in compliance with the requirement to carry an electric torch that could have been used to signal oncoming mariners to prevent a collision. However, from a distance, the Captain of the motor vessel may not have seen the single-beam headlamp if the operator of the kayak did not turn his head. In contrast, an all-around light provides maximum visibility by projecting a 360 degree beam of light that alerts mariners traveling from any direction, regardless of position of the kayaker or other vessel under oars. Similarly, sidelights and a stern light provides the same all-around visibility that the all-around white light provides. In addition, since the original drafting of Rule 25, personal

watercraft has increased significantly through the use of kayaks, paddle boards, and other vessels. It is important that these watercraft establish more visible lighting, thus necessitating the safer all-around white light option rather than an electric torch or lantern. Furthermore, the cost of an all-around white light is approximately \$40, which is near the cost of a dependable headlamp. As such, eliminating the option of carrying a torch increases maritime safety and is in keeping with the overall goal of the marine safety program.

Endorsement: I concur with this recommendation. Vessels that share the nation's waterways have changed appreciably over the last several decades and it is important that our regulations follow suit to ensure the safety of all operators. Personnel operating personal watercraft such as kayaks, canoes or paddleboards require the use of their hands to propel the vessel. When considering the time between recognizing a danger before it is upon them, especially in the case of a mechanically propelled vessel operating at high speeds, makes releasing their oars and grabbing a handheld light to alert the other vessel of their existence or location, unrealistic. Had the mariner been required to use an all-around white light to mark his kayak as suggested in this recommendation, it is very likely this accident could have been avoided. As such, it is recommended the Commandant (CG-5P) consider whether an update to this regulation is prudent and can be justified through a cost benefit analysis to increase the safety of users on our nation's waterways.

Administrative Recommendation 7: Recommend Commander, U.S. Coast Guard Eighth District, refer this case to the U.S. Department of Justice for criminal investigation for potential criminal violation identified in paragraph 6.5.

Endorsement: I concur with this recommendation. The investigation determined there may be violations of law or regulations by the operator of the TX7817EB.

Action: Staff Judge Advocate, U.S. Coast Guard Eighth District, will review the alleged violations identified in this recommendation for referral to the U.S. Department of Justice, as appropriate.



B. WELBORN
Captain, U.S. Coast Guard
Acting Chief of Prevention
Eighth Coast Guard District
By Direction



16732
September 15, 2021

**LOSS OF LIFE RESULTING FROM THE TX7817EB RUNNING OVER A
RECREATIONAL KAYAK ON REDFISH BAY ON MAY 27, 2019**

ENDORSEMENT BY THE OFFICER IN CHARGE, MARINE INSPECTION

The record and the report of the investigation convened for the subject casualty have been reviewed. The record and the report, including the findings of fact, analysis, conclusions, and recommendations are approved subject to the following comments. It is recommended that this marine casualty investigation be closed.

COMMENTS ON THE REPORT

1. I would like to send my sincerest condolences to the family and friends of Trace Richardson. My team will continue to work toward implementing the recommendations brought about by this investigation to make the waterway safer for all the people who use and enjoy it.
2. This investigation serves as a reminder that the waterways are shared by a wide variety and increasing number of users including small personal watercraft. As waterways are ever changing, the types of users change as well. All operators must remain vigilant in keeping a lookout for hazards and other users. Before anyone goes out onto the water, they should ensure that they are utilizing all available safety resources and are operating their vessels in a responsible manner.

ENDORSEMENT/ACTION ON RECOMMENDATIONS

Safety Recommendation: To achieve the shared goal of maritime safety, it is recommended that the Coast Guard revise Inland Navigational Rule 25(d)(ii), 33 C.F.R. § 83.25(d)(ii), to remove the option to have an electric torch or lighted lantern. Currently, 33 C.F.R. § 83.25 (d)(ii) provides, "A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall exhibit an all-around white light or have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision."

In this case, the operator of the kayak launched with only a single-beam headlamp that was only visible from one vantage point, namely the direction the operator's head was turned. Thus, in accordance with Rule 25(d)(ii), the operator of the kayak was likely in compliance with requirement to carry an electric torch that could have been used to signal oncoming mariners to prevent a collision. However, from a distance, the Captain of the motor vessel may not have seen the single-beam headlamp if the operator of the kayak did not turn his head. In contrast, an all-around light provides maximum visibility by projecting a 360 degree beam of light that alerts mariners travelling from any direction, regardless of the position of the kayaker or other vessel

under oars. Similarly, sidelights and a sternlight provides the same all-around visibility that the all-around white light provides. In addition, since the original drafting of Rule 25, personal watercraft has increased significantly through the use of kayaks, paddle boards, and other vessels. It is important that these watercraft establish more visible lighting, thus necessitating the safer all-around white light option rather than an electric torch or lantern. Furthermore, the cost of an all-around light is approximately \$40, which is near the cost of a dependable headlamp. As such, eliminating the option of carrying a torch increases maritime safety and is in keeping with the overall goal of the marine safety program.

Endorsement: Concur. Currently, Rule 25(d)(ii) provides multiple options for compliance with the required lighting arrangements on vessels under oars. In particular, the highlighted regulatory change eliminates an archaic alternative in using an electric torch or lighted lantern that does not promote best practices for lighting a vessel, especially in low-light situations. In contrast, maintaining the options for exhibiting either sidelights and a sternlight or an all-around white light provides maximum visibility for vessels under oars, which is in keeping with the goals of the marine safety program.

Administrative Recommendation 1: Recommend the Captain of the Port, Sector/Air Station Corpus Christi engage with the City of Aransas Pass to discuss and determine whether or not an implemented “no wake zone” in the areas adjacent to the kayak launch on Harbor Island Road and Lighthouse Lakes entrance would increase safety in this waterway.

Endorsement: Concur. Implementation of a “No wake zone” in an area utilized by commercial and recreational boaters, kayakers, and people fishing would force vessels to slow down and operate more vigilantly through the area.

Action: Captain of the Port of Corpus Christi will be sending a letter to the City of Aransas Pass outlining the facts of the case and identifying potential options for increasing safety in and around known kayak launch areas. Additionally, representatives from Sector/Air Station Corpus Christi attended an Aransas Pass City Council meeting and briefed the facts of the case and potential options for increasing marine safety around kayak launch and other populated areas. Sector personnel remain engaged with city leaders and local law enforcement regarding options for increasing safety around these areas.

Administrative Recommendation 2: Recommend the Captain of the Port, Sector/Air Station Corpus Christi engage with the City of Aransas Pass and/or Texas Parks & Wildlife to discuss and determine if the posting of signs highlighting requirements for lighting methods and personal flotation devices along with their fines may increase compliance and reduce the risks identified in these locations.

Endorsement: Concur. Personal flotation devices are essential pieces of life-saving equipment for anyone on the water. Additionally, discussion of the best lighting methods for kayaks and other personal watercraft will assist in mitigating risk at popular launch points and increase safety for all mariners.

Action: Captain of the Port of Corpus Christi will be sending a letter to the City of Aransas Pass outlining the facts of the case and identifying options for posting signs. Additionally, representatives from Sector/Air Station Corpus Christi attended an Aransas Pass City Council meeting and briefed the facts of the case and options for increasing marine safety around kayak launch and other populated areas. Sector personnel remain engaged with city leaders and local law enforcement regarding options for increasing safety around these areas.

Administrative Recommendation 3: Recommend the Captain of the Port Sector/Air Station Corpus Christi develop a working group to include Sector Corpus Christi, Coast Guard Auxiliary, and Texas Parks and Wildlife Division to engage with local recreational boating stores to raise safe boating awareness.

Endorsement: Concur. Boater education and outreach is a cornerstone of the Coast Guard's mission, especially the Coast Guard Auxiliary. Working with state and local partners to educate the boating public on safety measures they can take on the water greatly reduces the potential for tragic incidents like the one that precipitated this investigation.

Action: Chief of Prevention Department will liaise with Coast Guard Auxiliary and Texas Parks and Wildlife Division to recommend the education initiative.

Administrative Recommendation 4: Recommend the Officer in Charge, Marine Inspections, Sector/Air Station Corpus Christi consider implementing a more robust uninspected passenger vessel program to educate operators on their requirements and responsibilities as mariners.

Endorsement: Concur. While Uninspected Passenger Vessels are not required to be inspected by the Coast Guard, they still are required to comply with specific safety regulations and to be operated by a Coast Guard licensed Master. Ensuring that the owners, operators, and masters of these vessels know the safety regulations and requirements is imperative to their safety, the safety of their passengers, and other mariners on the water.

Action: Chief of Prevention Department will take for action.

Administrative Recommendation 5: Recommend the Officer in Charge, Marine Inspections, Sector/Air Station Corpus Christi initiate an investigation into potential violations of law or regulation by a credentialed mariner as identified in section 6.2.

Endorsement: Concur. The facts and evidence support an investigation into potential acts of negligence and misconduct.

Action: Chief of Prevention has taken for action.

Administrative Recommendation 6: Recommend the Officer in Charge, Marine Inspections, Sector/Air Station Corpus Christi initiate an investigation into potential civil allegations identified in paragraph 6.4.

Endorsement: Concur. The facts and evidence support an investigation into potential violation of failure to conduct post-casualty alcohol and drug testing.

Action: Chief of Prevention has taken for action.

Administrative Recommendation 7: Recommend Commander, U.S. Coast Guard Eighth District, refer this case to the U.S. Department of Justice for a criminal investigation for potential criminal violations identified in paragraph 6.5.

Endorsement: Concur. The facts and evidence support an investigation of potential violations of federal and state law.



Captain, U.S. Coast Guard
Officer in Charge, Marine Inspection



LOSS OF LIFE RESULTING FROM THE TX7817EB RUNNING OVER A RECREATIONAL KAYAK ON REDFISH BAY ON MAY 27, 2019

EXECUTIVE SUMMARY

On May 27, 2019, at approximately 0540, a kayaker launched from Harbor Island Road into Redfish Bay Channel in Aransas Pass, Texas with the intent to cross into Lighthouse Lakes to go fishing. During the transit he was struck by the uninspected passenger vessel TX7817EB, operated by a Coast Guard licensed Captain.

The TX7817EB was traveling at speeds as high as 54 mph along the channel and was moving at 44.9 mph when he hit the kayaker. Following the collision, the TX7817EB continued to operate at higher speeds toward Woody's Pier to pick up passengers. Upon returning home that night, the Captain of the vessel thoroughly examined his vessel and bleached the hull the following morning, as captured on the neighbor's security camera.

The collision caused multiple blunt force trauma injuries to the kayaker, which ultimately resulted in his loss of life.

As a result of its investigation, the Coast Guard determined the initiating event for this casualty was the TX7817EB colliding with the recreational kayak in Redfish Bay. Causal factors leading to this event were:

- 1) Failure to maintain a safe speed on Redfish Bay for routes and conditions;
- 2) Failure to maintain a proper lookout;
- 3) Failure to appropriately illuminate vessel;
- 4) Failure to regulate waterway for speed limitations and no wake zones; and
- 5) Lack of waterway visibility conditions.

Subsequently, the kayaker entered the water and was struck by the propeller of the TX7817EB, which caused significant trauma that resulted in his death. The causal factor leading to this event was the failure to maintain an adequate lookout given excess speeds with limited visibility.



16732
June 8, 2021

**LOSS OF LIFE RESULTING FROM THE TX7817EB RUNNING OVER A
RECREATIONAL KAYAK ON REDFISH BAY ON MAY 27, 2019**

INVESTIGATING OFFICER'S REPORT

1. Preliminary Statement

1.1. A marine casualty investigation was conducted, and this report was submitted in accordance with Title 46, Code of Federal Regulations (C.F.R.), Subpart 4.07, and under the authority of Title 46, United States Code (U.S.C.) Chapter 63.

1.2. No individuals, organizations, or parties were requested to be designated or designated as a party-in-interest in accordance with 46 C.F.R. § 4.03-10.

1.3. The Aransas Pass Police Department (APPD) and Texas Parks and Wildlife Department (TPWD) were the initial lead agencies for the investigation prior to the United States Coast Guard (USCG) being notified of the incident. They conducted the initial casualty scene response and contacted potential witnesses for interviews. No other persons or organizations other than the APPD and TPWD assisted in this investigation.

1.4. All times listed in this report are in Central Daylight Time using a 24-hour format and are approximate. Unless otherwise specified, incident timeline entries occurred on May 27, 2019.

2. Vessels Involved in the Incident



Figure 1: TX7817EB on its trailer after the incident. (Unknown Date/TPWD)

Official Name:	TX7817EB
Identification Number:	TX7817EB
Flag:	United States
Vessel Class/Type/Sub-Type	Passenger Vessel, 6 or fewer, Gross tonnage <100
Build Year:	2017
Gross Tonnage:	01 GT
Length:	24 feet 11 inches
Beam/Width:	Unknown
Draft/Depth:	Unknown
Main/Primary Propulsion:	Single Outboard, Mercury Pro XS
Owner:	██████████ and ██████████ Ingleside, Texas
Operator:	Bait & Switch Outfitter, LLC. Ingleside, TX 78362



Figure 2: Port aspect of recreational kayak. (Unknown Date/APPD)

Official Name:	LPE18771H717
Identification Number:	LPE18771H717
Flag:	United States
Vessel Class/Type/Sub-Type	Recreational Kayak
Year:	Unknown
Length:	10 feet
Beam/Width:	Unknown
Draft/Depth:	Unknown
Main/Primary Propulsion:	Rowing
Owner/Operator:	Portland, Texas

3. Deceased, Missing, and/or Injured Persons

Relationship to Vessel	Sex	Age	Status
Kayak Operator	Male	■	Deceased

4. Findings of Fact

4.1. The Incident:

4.1.1. At 0500, the kayaker departed his house to go fishing at Lighthouse Lakes by himself.

4.1.2. At 0530, the Captain launched the TX7817EB from Hampton's Landing and headed to Woody's Pier to pick up passengers for a chartered fishing trip.

4.1.3. The Captain of the TX7817EB operated the 24 foot Haynie outboard bay boat at speeds reaching 47 knots (54 mph) with only himself as a lookout while it was dark outside before sunrise.

4.1.4. At 0540, the kayaker launched his tan colored kayak from the Harbor Island Road boat launch similar to previous occasions and headed across the channel to fish. He was by himself wearing a white long sleeve shirt and no personal flotation device.

4.1.5. The kayaker launched wearing a single direction headlamp. He did not have all-around white light and the kayak was not outfitted with side-lights or a stern light.

4.1.6. At 0543, the X7817EB collided with the recreational kayak traveling at 39 knots (44.9 mph).

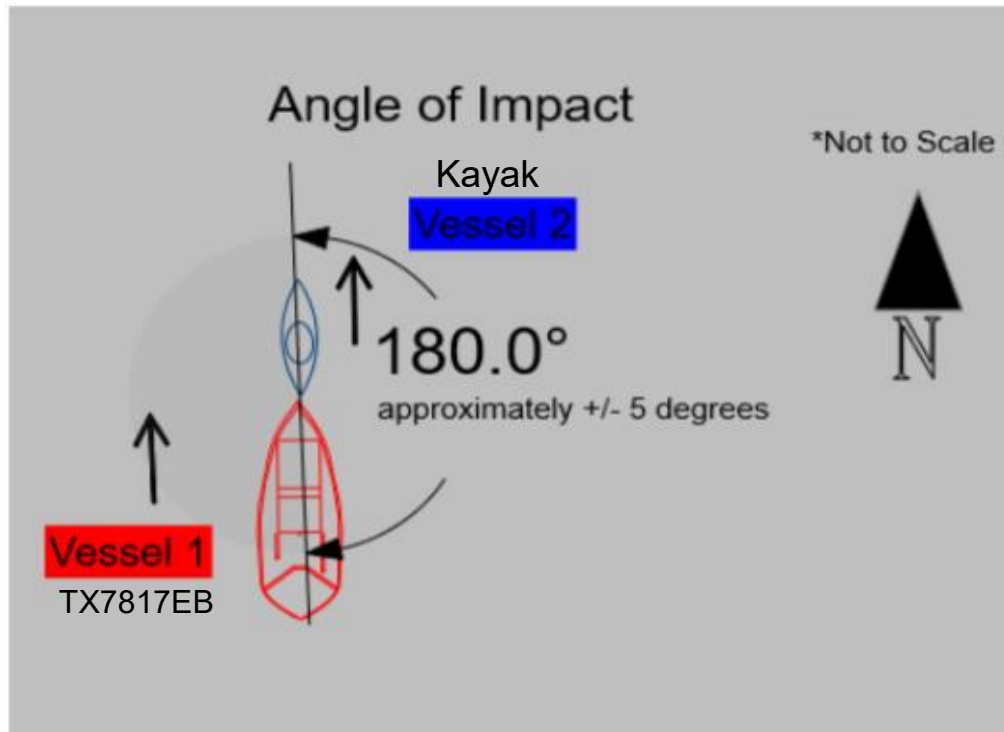


Figure 3: Diagram of angle of impact as determined by the Texas Parks and Wildlife Accident Reconstruction Team (Unknown Date/TWPD) .

4.1.7. At 0543, the TX7817EB ran over the kayak with the kayaker in the seat.

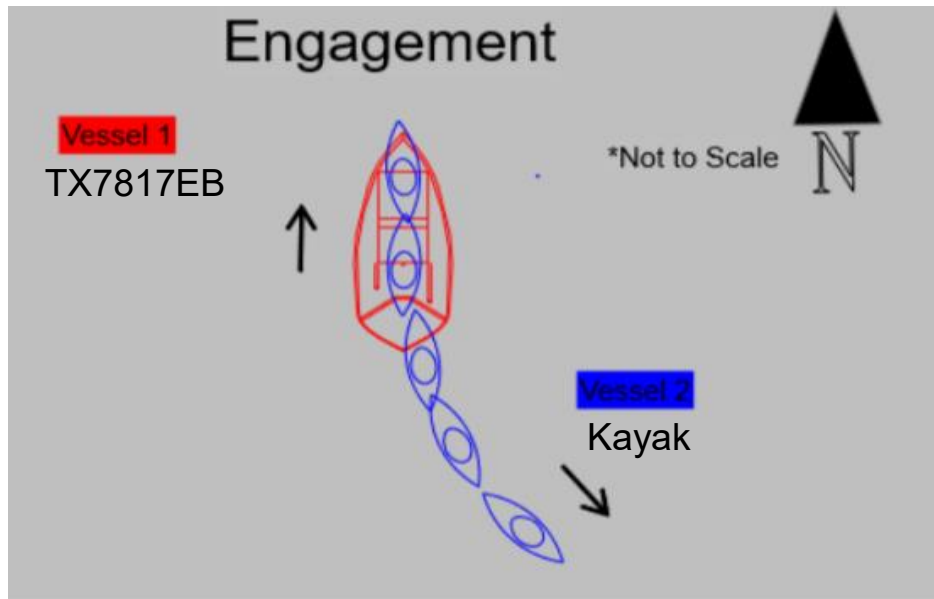


Figure 4: Diagram of engagement as determined by the Texas Parks and Wildlife Accident Reconstruction Team. (Unknown Date/TPWD).

4.1.8. At 0545, the Captain of the TX7817EB slowed down to a stop 0.65 miles after the impact. He looked around the bow of the vessel with a flashlight and then continued underway. A few minutes later, he slowed down to a stop again and then proceeded at higher speeds to the marina to pick up his passengers. He arrived at Woody's Pier at 0550.

4.1.9. At 0645, the passengers arrived at Woody's Pier for their fishing trip. The Captain told one of the passengers that he had hit a dolphin on his way to pick them up and that it launched the vessel "half way out of the water" and he almost hit his head on the console.

4.1.10. The Captain did not report this hazardous condition or incident to the Coast Guard.

4.1.11. At 0705, after picking up all the passengers, the Captain stated that he forgot his fishing poles and had to return to Hampton's Landing to pick them up. He transited back through the same channel to retrieve them before taking the passengers on their fishing trip.

4.1.12. At 0751, the APPD recovered a body from the Aransas Channel that appeared to have been struck by a boat with multiple propeller lacerations to the head. They requested assistance from TPWD to find the vessel associated with the missing person.

4.1.13. The kayak was recovered shortly after, which contained a cell phone with a picture of the victim. The kayak sustained damage, including cracks and scrapes (See Figure 5).



Figure 5: Damage to stern of the recreational kayak. (Unknown Date/APPD)

4.1.14. At 1310, the Captain pulled the TX7817EB into the yard at his home where he and his wife immediately examined the bow, hull, and stern of the vessel.

4.1.15. On May 27, 2019, the kayaker was pronounced dead. Subsequently, an autopsy report issued on May 28, 2019 indicated the kayaker's cause of death as "multiple blunt-force injuries."

4.1.16. On May 28, 2019 at 0930, the Captain power washed and bleached the TX7817EB.

4.1.17. On May 28, 2019 at 1100, TPWD received information that the TX7817EB had operated in the vicinity of the area where the body had been recovered. The TPWD and the APPD interviewed the Captain of the TX7817EB at his home. It was confirmed that the TX7817EB hit something on the same date, location, and time where the kayaker was allegedly hit.

4.1.18. On June 2, 2019, at 1544, the Captain of the TX7817EB submitted a CG 2692 to the Coast Guard stating that he hit a dolphin.

4.1.19. Post-casualty drug and alcohol testing required by 46 C.F.R. § 4.06 was not conducted on the Captain of the TX7817EB.

4.1.20. A post mortem toxicology report was conducted on the kayaker. The resulting test was [REDACTED] for both alcohol and drugs.

4.2. Additional/Supporting Information:

4.2.1. A small craft advisory was in effect for the surrounding area. Winds were 6-8 mph. The moon phase was 41.9% illumination. Sunrise was at 0633. Visibility was 10 miles.

4.2.2. The Redfish Bay channel is a waterway with recreational and commercial traffic alike. Harbor Island Road is a popular kayak launching point with a popular fishing area, Lighthouse Lakes, directly across the channel from the kayak launch point. There are no "no wake zones" required or implemented between the Harbor Island kayak launching point and the popular fishing area Lighthouse Lakes.

4.2.3. Bait and Switch Outfitters owned the TX7817EB, which was the only charter fishing vessel operated by the company. The vessel was operated solely by the Captain; however, on some occasions, the Captain's wife, a credentialed mariner, assisted him during early morning trips. The TX7817EB was used in its current capacity and configuration since it was purchased in 2017, and there were no previously reported marine casualties involving the vessel or assigned crew.

4.2.4. On December 14, 2018, the Captain of the TX7817EB completed and passed a USCG approved operator of uninspected passenger vessels (OUPV) boating safety course at Sea Academy.

4.2.5. The Captain of TX7817EB was a USCG credentialed Captain of uninspected passenger vessels. The Captain stated that he was very familiar with the area he traveled on the day of May 27th and was aware of the popular kayaking launch. He also provided that he was aware that kayakers occasionally do not have the required lights due to a previous incident when he operated his vessel only approximately 10 feet from an unlit kayaker.

4.2.6. There is no signage or other public information campaign to alert recreational kayakers or boaters of requirements or recommendations regarding lighting, personal flotation device safety, or waterway conditions.

4.2.7. The Texas Parks & Wildlife Code § 31.064 requires a vessel underway to exhibit the lights prescribed by the Commandant of the Coast Guard for boats of its class.

4.2.8. Inland Navigation Rule 25, 33 C.F.R § 83.25(d)(ii), requires a vessel under oars to exhibit the lights required by sailing vessels or exhibit an all-round white light or have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

4.2.9. Inland Navigation Rule 5, 33 C.F.R. § 83.05, requires a vessel to maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.

4.2.10. Inland Navigation Rule 6, 33 C.F.R § 83.06, requires a vessel to proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

4.2.11. Whenever there is a hazardous condition either on board a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge must immediately notify the nearest Coast Guard as required by 33 C.F.R. § 160.216.

5. Analysis

5.1. *Failure to Maintain Safe Speed.* Inland Navigational Rule 6 mandates that every vessel proceed “at a safe speed so that she can take proper and effective action to avoid collision....” Included in this “safe speed” determination is the state of visibility, maneuverability of the vessel, illumination, and proximity of navigational hazards. The Captain of the TX7817EB failed to maintain a safe speed appropriate to the prevailing circumstances and conditions as required by Inland Navigation Rule 6 by choosing to travel through the area at speeds as high as 47 knots (54 mph) prior to sunrise and in a known popular kayak launching and fishing location. At the time of the collision, the Captain of the TX7817EB was traveling approximately 39 knots (44.9 mph). The Captain asserted multiple times during the interview that it was very dark outside, but he proceeded down the channel at very high speeds. The Captain of the TX7817EB failed to adjust his speed in the channel despite his in-depth knowledge of the recreational vessel traffic that crossed the channel to get to the popular fishing spot Lighthouse Lakes and the frequent occurrence of recreational traffic launching without the required 360 degree light. Had the Captain maintained a safe speed, he would likely have identified transiting vessels, providing time to power down the vessel or take evasive action to avoid collision with the kayaker.

5.2. *Failure to Maintain Proper Lookout.* Inland Navigation Rule 5 requires a vessel to maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision. Although uninspected passenger vessels are not required to have a deckhand or second person onboard to serve as lookout, this does not excuse a sole operator of a vessel from complying with the entirety of Rule 5. Indeed, on the morning of the casualty, the Captain of the TX7817EB had limited visibility due to the early hour before sunrise. The vessel’s high rate of speed made it difficult to appropriately scan the area ahead of him and be alerted to potential issues. Additionally, the Captain’s wife, who is also a credentialed mariner, would occasionally get underway to assist with routine vessel duties, such as providing a second lookout. Thus, if the Captain was unable to maintain a proper lookout, as required by Inland Navigation Rule 5, then he should have asked his wife or another mariner to serve as a second lookout. As such, had the Captain maintained a proper lookout, he would likely have seen other vessels in the area and had time to avoid the collision with the kayak.

5.3. *Failure to Appropriately Light Kayak.* The Texas Parks & Wildlife Code requires operators to exhibit the lights prescribed by the Coast Guard. Inland Navigational Rule 25(d)(ii) mandates that vessel’s under oars exhibit an all-round white light or, in the alternative, carry an electric torch or lighted lantern. The intent of these requirements are to

ensure a vessel is seen from all sides and angles in order to minimize the occurrence of a collision. Here, the kayak was not fitted with side-lights and stern light or an all-around white light. Based on interviews and evidence gathered at the location, the operator of the kayak was wearing a headlamp with a single white light that was only visible in one direction, which likely satisfies the requirement to have an electric torch. However, the TX7817EB was travelling in the same direction as the kayak, thereby minimizing the utility of the single white light as the Captain of the motor vessel would not have seen the single-light unless the kayaker turned his head in sufficient time to prevent the collision. Thus, although the kayaker was operating in accordance with applicable law and regulations, the decision to operate without an all-around white light or side-lights and stern light created a latent unsafe condition in that the kayak was not lighted from all angles and vantage points. As such, had the kayaker used the appropriate lighting arrangements, the Captain of the TX7817EB may have identified the kayak and taken action to avoid the collision.

5.4. *Failure to regulate waterway.* Speed limit signs and no wake zones are placed along waterways to alert vessel operators of the maximum speed they are allowed to travel or the prohibition of an unsafe wake on that section of waterway. Speed limits are designed to enhance safety by reducing the risks created by operators unilaterally selecting the speed they wish to travel without regard for other users of the waterways and the prevailing conditions. Similarly, the speed of a vessel contributes to the size of its wake. Thus, regulation of unsafe vessel wakes necessarily has the effect of controlling a vessel's speed. Moreover, without regulation of speed, operators would be traveling at different rates of speed, which significantly increases the chance of a collision. Speed limits and no wake zones along waterways also provide an enforcement mechanism for operators who violate the mandated speed or create an unsafe wake. This, in turn, increases maritime safety by mitigating controllable behavior on the waterways. In this case, the subject waterway failed to incorporate a maximum speed limit or no wake zone, thereby allowing vessel operators to transit at high-rates of speed through a well-known kayak launch area. GPS data shows that the Captain of the TX7817EB was travelling approximately 45 mph through the kayak launch location. The accident reconstruction depicts the TX7817EB running directly over the top of the kayaker. At no time did the Captain have time to avoid the collision due to his excessive speed, which was not regulated by a speed limit or no wake zone area. Had a speed limit sign or no wake zone been implemented, the Captain may have reduced his speed, thus avoiding the collision with the kayaker.

6. **Conclusions**

6.1. Determination of Cause:

6.1.1. The initiating event for this casualty was the TX7817EB colliding with the recreational kayak in Redfish Bay. Causal factors leading to this event were:

6.1.1.1. The Captain of the TX7817EB failed to maintain a safe speed on Redfish Bay for routes and conditions.

6.1.1.2. The Captain of the TX7817EB failed to maintain a proper lookout by sight and hearing or use all available means appropriate for the

prevailing circumstances and conditions to make a full appraisal of the situation and of the risk of collision.

6.1.1.3. The kayaker failed to appropriately light his kayak with light visible from any angle or vantage point.

6.1.1.4. Failure to regulate waterway for speed limitations and/or no wake zones.

6.1.1.5. Lack of waterway visibility conditions caused by nighttime transit.

6.1.2. The subsequent event was the TX7817EB propeller striking the kayaker, resulting in fatal injuries. Causal factors leading to this event were:

6.1.2.1. Failure of the Captain of the TX7817EB to maintain an adequate lookout given excess speeds with limited visibility.

6.2. Evidence of Act(s) or Violation(s) of Law by Any Coast Guard Credentialed Mariner Subject to Action under 46 USC Chapter 77:

6.2.1. Captain, TX 7817 EB: The actions described in paragraphs 6.1.1.1. and 6.1.1.2. represent a violation of 46 U.S.C. 7703(a) and 46 C.F.R. § 5.29 where the Captain of the TX7817EB committed an act which a reasonable and prudent person would not commit, which can be viewed as an act of negligence.

6.2.2. Captain, TX 7817 EB: The actions described in paragraph 4.1.10 represent a violation of 46 C.F.R. § 5.27, Report of Marine Casualties, which are established procedures and can be viewed as misconduct.

6.3. Evidence of Act(s) or Violation(s) of Law by U.S. Coast Guard Personnel, or any other person: There were no acts of misconduct, incompetence, negligence, unskillfulness, or violations of law by Coast Guard employees or any other agency or person not immediately involved with the collision.

6.4. Evidence of Act(s) Subject to Civil Penalty:

6.4.1. Bait and Switch: The actions described in paragraph 4.1.19, represent violations of 46 C.F.R. §§ 4.06-3(a), (b) for failure to conduct post-casualty alcohol and drug testing. This violation subjects the mariner employer Bait and Switch to civil penalties.

6.5. Evidence of Criminal Act(s):

6.5.1. Captain, TX7817EB: The actions described in paragraphs 5.1 and 5.2 represent a potential violation of 18 U.S.C. § 1115, Seaman's Manslaughter, and applicable state homicide laws. These potential violations subject the Captain of TX7817EB to criminal investigation.

6.6. Unsafe Actions or Conditions that Were Not Causal Factors.

6.6.1. The Captain of the TX7817EB failed to return to the location of the collision to find out what he hit. If a Captain hits an object with his or her vessel, a prudent mariner would stop to assess the damage and see what was hit. It is unknown if the Captain would have been able to provide any life-saving first aid or if making an immediate phone call to first responders would have changed the outcome in this incident. However, immediate action should have been taken. The Captain knew he hit something hard enough to cause his boat to go up into the air and almost cause him to hit his head on the console, but he did not go back to find out what it was. Furthermore, if he really did not realize it was a person he hit and if it was a navigational hazard in the channel, he is required to report it to the USCG in accordance with 33 C.F.R. § 160.216.

6.6.2. The master of an uninspected passenger vessel should be aware of requirements to report marine casualties and conduct post-casualty serious marine incident drug and alcohol testing. Here, the Captain of the TX7817EB failed to stop after colliding with the kayak, failed to stop to properly assess damage to his vessel as well as what he hit, and failed to stop to render aid. Additionally, he failed to report the incident to the Coast Guard or any other law enforcement agency and failed to conduct drug and alcohol testing per requirements in 46 C.F.R. § 4.06. Even if the Captain thought that he had hit a log or a dolphin, the impact was significant enough that he should have reported it to the Coast Guard as a hazardous condition in the waterway.

6.6.3. The operator of the recreational kayak was operating without a personal flotation device on. In the event of non-life threatening injuries, personal flotation devices can improve the outcome of an incident on the water. Although this was not determined to be a causal factor due to the cause of death, it was an unsafe action.

7. **Actions Taken Since the Incident**

7.1. Following the incident, the APPD and TPWD conducted community outreach via news stations regarding the importance of wearing a personal flotation device and using the 360 degree light between sunset and sunrise.

8. **Recommendations**

8.1. Safety Recommendation:

8.1.1. To achieve the shared goal of maritime safety, it is recommended that the Coast Guard revise Inland Navigational Rule 25(d)(ii), 33 C.F.R. § 83.25(d)(ii), to remove the option to have an electric torch or lighted lantern, leaving the option of having side lights and stern light or an all-around white light. Currently, 33 C.F.R. § 83.25 (d)(ii) provides, “A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if she does not, she shall exhibit an *all-around white light* or have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.”

In this case, the operator of the kayak launched with only a single-beam headlamp that was only visible from one vantage point, unless the operator's head was turned. Thus, in accordance with Rule 25(d)(ii), the operator of the kayak was likely in compliance with requirement to carry an electric torch that could have been used to signal oncoming mariners to prevent a collision. However, from a distance, the Captain of the motor vessel may not have seen the single-beam headlamp if the operator of the kayak did not turn his head. In contrast, and notwithstanding this case, an all-around light provides maximum visibility by projecting a 360 degree beam of light that alerts mariners travelling from any direction, regardless of the position of the kayaker or other vessel under oars. Similarly, side lights and a stern light provides the same all-around visibility that the all-around white light provides. In addition, since the original drafting of Rule 25, recreational boating has increased significantly through the use of kayaks, paddle boards, and other vessels that are not operated nor have the ability to display sidelights and sternlights like that of a traditional row boat or canoe, thus necessitating the safer all-around white light option rather than an electric torch or lantern. Furthermore, the cost of an all-around light is approximately \$40, which is near the cost of a dependable headlamp. As such, eliminating the option of carrying a torch increases maritime safety and is in keeping with the overall goal of the marine safety program.

8.2. Administrative Recommendations:

8.2.1. Administrative Recommendation 1: Recommend the Captain of the Port, Sector/Air Station Corpus Christi engage with the City of Aransas Pass to discuss and determine whether or not an implemented "no wake zone" in the areas adjacent to the kayak launch on Harbor Island Road and Lighthouse Lakes entrance would increase safety in this waterway.

8.2.2. Administrative Recommendation 2: Recommend the Captain of the Port, Sector/Air Station Corpus Christi engage with the City of Aransas Pass and/or Texas Parks & Wildlife to discuss and determine if the posting of signs highlighting requirements for lighting and personal flotation devices along with their fines may increase compliance and reduce the risks identified in these locations.

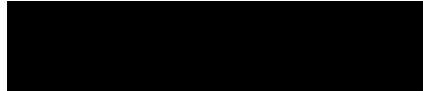
8.2.3. Administrative Recommendation 3: Recommend the Captain of the Port Sector/Air Station Corpus Christi develop a working group to include Sector Corpus Christi, Coast Guard Auxiliary, and Texas Parks and Wildlife Division to engage with local recreational boating stores to raise safe boating awareness.

8.2.4. Administrative Recommendation 4: Recommend the Officer in Charge, Marine Inspections, Sector/Air Station Corpus Christi consider implementing a more robust uninspected passenger vessel program to educate operators on their requirements and responsibilities as mariners.

8.2.5. Administrative Recommendation 5: Recommend the Officer in Charge, Marine Inspections, Sector/Air Station Corpus Christi initiate an investigation into potential violations of law or regulation by a credentialed mariner as identified in paragraph 6.2.

8.2.6. Administrative Recommendation 6: Recommend the Officer in Charge, Marine Inspections, Sector/Air Station Corpus Christi initiate an investigation into potential civil allegations identified in paragraph 6.4.

8.2.7. Administrative Recommendation 7: Recommend Commander, U.S. Coast Guard Eighth District, refer this case to the U.S. Department of Justice for potential criminal violations identified in paragraph 6.5.



CWO2, U.S. Coast Guard
Investigating Officer