

UNITED STATES COAST GUARD

ADDRESS REPLY TO:
COMMANDANT
U. S. COAST GUARD
HEADQUARTERS
WASHINGTON 25, D. C.



MVI
(ANNE - MISS EMPIRE
a-8 Bd)
27 May 1959

Commandant's Action

on

Marine Board of Investigation; collision between the
MV ANNE and the Motorboat MISS EMPIRE, Gulf of Mexico
on 22 February 1959 with loss of life

1. The record of the Marine Board of Investigation convened to investigate subject casualty together with its Findings of Fact, Conclusions and Recommendations has been reviewed.
2. Shortly before dawn on 22 February 1959, approximately 2.5 to 3 miles south of Bayou Fontanelle jetties in the Gulf of Mexico, the MV ANNE, O. N. 252306, a 65.6 ft. uninspected vessel with five persons aboard collided with the Motorboat MISS EMPIRE, 20F193, a 39 ft. uninspected fishing vessel with twelve persons aboard. As a result of the collision the MISS EMPIRE sank and of those on board one was injured, two died and one man is missing and presumed dead. There was no damage to the MV ANNE and no injuries to any of the persons on board.
3. The MV ANNE, en route from an offshore oil drilling site in the Gulf of Mexico to Empire, Louisiana, was heading north toward Bayou Fontanelle at 10 MPH. The weather was clear and the sea calm. The ANNE's radar was operating on the 8 mile scale. The MISS EMPIRE was first sighted 25 to 30 feet dead ahead on a crossing course from right to left only moments before the casualty. Immediate evasive action failed to prevent the collision and the bow of the ANNE struck and holed the MISS EMPIRE on her port quarter causing her to sink in approximately three minutes. The Master of the ANNE claimed that the MISS EMPIRE had not been visible in the radar nor had he observed any lights or heard any signals prior to the collision.
4. The MISS EMPIRE from Empire, Louisiana, was carrying a party of eleven men on a fishing trip offshore. Upon leaving Bayou Fontanelle jetties the vessel headed south at 7 to 8 MPH and soon observed the side lights and masthead light of the MV ANNE about 2 to 3 miles away slightly on the port bow. Apparently the bearing between the two vessels remained constant up until the collision. No attempt was made to establish a passing agreement. The Master of the MISS EMPIRE claimed he sounded two blasts on the mouth horn to indicate danger when the vessels were 75 to 100 feet apart but none of the other witnesses could recall hearing them. Last minute evasive action was also taken by the MISS EMPIRE without material effect.

5. The Board also uncovered evidence that both vessels were carrying passengers for hire without a required Certificate of Inspection and that the MISS EMPIRE was in further violation of the law for failing to have a licensed operator in charge and for failing to have an approved life preserver for every person on board.

REMARKS

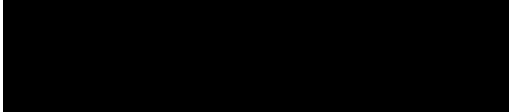
1. As concluded by the Board the principal cause of this casualty was the failure of both vessels to navigate with caution. The testimony of the Master of the MV VENUS and of Anthony J. Simpson, passenger aboard the MISS EMPIRE, are considered sufficient to establish that the MISS EMPIRE was in fact displaying navigational lights which could have been observed aboard the MV ANNE had a proper lookout been maintained.

2. Aside from the fact that the MISS EMPIRE originally sighted the MV ANNE two to three miles distant in a meeting situation and subsequently collided, the navigation of the MISS EMPIRE is obscure. Predicated as it necessarily was on the sole testimony of the Master of the MISS EMPIRE, whose answers to pertinent questions were often unresponsive, details of the intervening navigation cannot satisfactorily be reconstructed. It is considered, however, that this in no way affects the Conclusions of the Board. The situation was obviously one of meeting vessels whether the MISS EMPIRE recognized it as such or not and she therefore had the statutory obligation to take timely action to establish a passing agreement and to sound the danger signal when doubt arose as to the course and intention of MV ANNE.

3. With respect to the Board's recommendations numbers 5 and 6, the monetary penalties for operating a motorboat carrying passengers for hire without a duly licensed operator and for failing to have an approved life preserver for every person aboard are \$200 each under the provisions of 46 USC 526o. Concerning recommendation number 7 the monetary penalty for operating a vessel of more than 15 gross tons and more than 65 feet in length without a valid certificate is \$500 under the provisions of 46 USC 497.

While Section 46 USC 390d as it appears in the United States Code provides penalties for violation of Sections 404 and 526f, it is considered that this Section is in error. As originally enacted Section 5 of Public Law 84-519 provided a penalty of \$1000 for anyone "in charge of any vessel subject to this Act who violates the provisions of this Act or the rules and regulations established hereunder". The Act then amended Sections 404 and 526f of 46 USC but these amended Sections are not considered part of the inspection and licensing sections of Public Law 84-519 for which the penalty of \$1000 is provided. Consequently the penalties provided by Sections 497 and 526o govern in this case with respect to violations of Sections 404 and 526f, respectively Title 46, US Code.

4. Subject to the foregoing remarks, the Findings of Fact, Conclusions and Recommendations of the Marine Board of Investigation are approved.



A. C. RICHMOND
Vice Admiral, U. S. Coast Guard
Commandant

UNITED STATES COAST GUARD

ADDRESS REPLY TO

Commander
Eighth CG District
New Orleans, La.



2 April 1959

From: Marine Board of Investigation
To: Commandant (MVI)
Via: Commander, 8th Coast Guard District

Subj: Collision of MV ANNE with MB MISS EMPIRE in Gulf of Mexico on 22 February 1959 with attendant loss of life of Emile Segue, Albert Simpson, probable loss of life of [REDACTED] and injury to [REDACTED]

Findings of Fact:

1. At about 5:40 AM on 22 February 1959, a collision occurred in the Gulf of Mexico, between the motor vessel ANNE and the motorboat MISS EMPIRE, resulting in the loss of life of two known dead and one missing, presumed dead; injury to one man and the sinking of MISS EMPIRE.

2. The vessels involved were:

(a) The motor vessel ANNE (O.N. 252306) is a 65.6 ft., 51 gross ton, steel, uninspected, diesel, twin screw propelled American vessel, built in 1947, and owned by Crewmaster Boat Corp., P.O. Box 262, Harvey, La. The vessel is under bareboat charter to Continental Oil Co., New Orleans, La., who in turn has contracted with Barefoot Boat Service, New Orleans, La. to supply crews for the vessel. Master of the vessel was Mitchell Fanguy, Grand Caillou Route, Houma, La.

(b) The motorboat MISS EMPIRE is a 39 ft., single screw, diesel propelled, wooden, uninspected, American shrimp trawler, built in 1927. The vessel is owned and operated by Frank Lee Wells, Empire, La.

3. Weather at the time of collision was as follows: wind - NE, 5 to 8 MPH; sea - calm (1 to 2 ft. swells); visibility - good with sky clear.

4. The persons known to be dead or missing are as follows:

a. Emile Segue, age [REDACTED] (Dead)
[REDACTED]

b. Albert Simpson, Sr., age [REDACTED] (Dead)
[REDACTED]

c. [REDACTED] Age [REDACTED] (Missing)

5. Injured as a result of this collision was [REDACTED], who was hospitalized from 22 to 28 February 1959 for a minor whiplash injury to his neck and for bronchial pneumonia, contracted as a result of water swallowed.

6. As a result of this collision, MB MISS EMPIRE received hull damage to her port quarter and transom which caused MISS EMPIRE to flood rapidly due to its ruptured hull and to sink within three minutes. There was no damage to MV ANNE.

7. At 5:15 AM, MV ANNE departed from the ERNIE MILLER Drilling Tender, which was engaged in offshore drilling operations for Continental Oil Co. in Block 45 of the West Delta area. On board were Captain Fanguy, piloting the vessel, one deckhand and three passengers. The Master headed the vessel on a northerly course, heading for the jetties to the Empire Canal. The Master was alone in the pilothouse and remained so except for a period from 5:25 to 5:35, when the deckhand was with him. MV ANNE was proceeding at about 10 MPH, with good visibility and radar set on 8 mile scale and working properly. About 3 to 4 minutes after the deckhand left the pilothouse to check the vessel's engines, Master first observed the shape of what proved to be MB MISS EMPIRE at what appeared to him, to be 25 to 30 feet dead ahead with the bow of MISS EMPIRE heading west or to ANNE's left. Master stated he observed no lights on this other vessel at any time. At first sighting Master immediately backed his starboard engine, put hard right rudder and had put his port engine in neutral, preparatory to backing that engine. Before he could back the engine, port side of ANNE bow collided with port quarter of MISS EMPIRE at approximately a 30 degree angle. Collision occurred at 5:40 AM at a position 2.5 to 3 miles south of Bayou Fontanelle Jetties.

8. MISS EMPIRE had departed Empire, La. with Frank Wells as Master and eleven passengers on board at 4:00 AM. At about 5:20 AM, while proceeding down Bayou Fontanelle toward jetties, MISS EMPIRE was overtaken and passed by MB VENUS, piloted by Capt. Walter G. Narretta, who observed the all around after white light and the reflection of the red port side light of MISS EMPIRE at that time.

9. MISS EMPIRE left jetties at about 5:25 AM and headed south at 7-8 MPH with intention of fishing near offshore drilling platforms. In the pilothouse with Capt. [REDACTED] were two passengers with a third passenger outside of starboard pilothouse door. [REDACTED] left the pilothouse for a period of 3-4 minutes, once the jetties had been cleared, leaving one of the passengers to steer vessel while he went into the lighted engineroom to shut down his battery charger. Shortly after he returned to the pilothouse, [REDACTED]

sighted both sidelights and the white masthead light of an approaching vessel slightly to the left of MISS EMPIRE's bow. The vessels at this time were approximately 2 to 3 miles apart. MISS EMPIRE continued on same course and speed. As vessels approached each other, Wells saw only the red and white light of ANNE to his port side and stated that it appeared to him that the ANNE would cross his bow from left to right. Wells started to back his engine. ANNE continued to come towards MISS EMPIRE amidships. When vessels were 25 to 30 ft. apart, Wells put his engines in forward gear and put wheel hard right. Within seconds collision occurred. No sound signals had been sounded by either vessel at any time.

10. Immediately after collision, ANNE was maneuvered to pick up survivors of MISS EMPIRE. ANNE deckhand had called out the three passengers and all four men commenced throwing lifejackets to men floating in water. Ten men were picked up by ANNE, one of whom, Emile Segue, was unconscious. Artificial respiration was commenced on man and continued until he was eventually declared dead on arrival at Oschner Foundation Hospital, New Orleans, having been transported there by helicopter. Initial information to ANNE Master indicated that eleven men had been on board MISS EMPIRE. He continued searching for the missing person until 6:05 when he departed area to effect removal of the unconscious survivor. At the time of effecting this removal it was discovered that there were originally twelve men on board MISS EMPIRE and that two persons were missing. Another offshore vessel, RAYMOND M, continued to search for any survivors and was joined by CG-30406 from Grand Isle Lifeboat Station at about 6:45. CG-30406 searched for survivors until 7:20 with negative results, at which time the search was secured.

11. The eleven passengers of MISS EMPIRE had come on board for the purpose of making a fishing trip. The trip had been arranged with Capt. Wells by Albert Simpson, now deceased. The passengers were to pay Wells fifty (50) dollars for ten persons to make the trip with an additional five (5) dollars for each passenger over ten. As was the custom on previous trips made by some of the passengers with Wells, no money was to be paid to Wells until the trip was over. Thus this accident prevented the actual transfer of money.

12. MISS EMPIRE with Wells as Master had made two or three fishing trips during 1958 with some of the same passengers as on this trip. On these former trips, the financial arrangements were the same as mentioned in the above paragraph.

13. Two lifejackets from MISS EMPIRE were picked up by ANNE when picking up survivors. Both of these lifejackets were of an unapproved type and both were in a deteriorated condition. This deterioration consisted mostly of rotted material indicating that the condition had not been caused by this accident but had been present before. These lifejackets had been turned over to the Investigating Officer at 1:00 PM on the day of the casualty who retained custody until the jackets were exhibited before the board. The only

other lifesaving equipment on board MISS EMPIRE consisted of two buoyant cushions which had been brought aboard by two of the passengers. Captain Wells testified that he had ten lifejackets on board plus the ones that the passengers brought. Thus the maximum number of jackets and cushions was twelve, including the two deteriorated jackets mentioned above.

14. The body of Albert Simpson, one of the two originally missing persons, was recovered in the Gulf of Mexico approximately one week after this accident. Mr. Simpson had last been seen on deck hanging on to MISS EMPIRE's mast when the boat capsized. Testimony indicated that one of the other passengers had handed him a lifejacket before the boat upset. [REDACTED] was in the engine room before the collision but did manage to get topside following the collision. It is not known whether or not he had a lifejacket when the boat sank.

15. The site of the collision was well within the area in which Inland Rules apply as set forth in 33 CFR 82.103.

16. At the time of the collision, ANNE, under charter to Continental Oil Co., was carrying three passengers from CARL ANDERSON Drilling Rig to Empire, La. These passengers were employed by Service Contracting, Inc., Harvey, La. with whom Continental Oil Co. had contracted to conduct drilling operations on the above named rig. Under the terms of this contract, Continental Oil Co. had agreed to transport personnel of Service Contracting, Inc. to and from the Offshore Rig, owned by Continental Oil Co.

17. Death Certificates for those known dead have been requested from local authorities but have not been received as of the date of this report.

Conclusions:

1. It is concluded that this accident was caused by the failure of the Master of MV ANNE to keep a proper lookout coupled with the failure of the Master of MB MISS EMPIRE to blow any signals of intention or danger, as required by the Inland Rules of the Road.

2. Captain Fanguy was alone in his pilothouse while piloting ANNE at a speed of about 10 MPH. Despite his contention that MISS EMPIRE was showing no lights, it is concluded that the lights of MISS EMPIRE were on at the time of collision. This conclusion is based mainly on the testimony of Captain [REDACTED] of MB VENUS, who had observed lights on MISS EMPIRE approximately twenty minutes before the collision. Even if this conclusion were not made, it is the Board's opinion that had a proper lookout been kept on ANNE, an unlighted MISS EMPIRE, with a white hull, would have been seen on this clear dark night, before the vessels closed to within 25-30 feet, the distance at which Captain Fanguy testified he first saw MISS EMPIRE. It is therefore the Board's opinion that Captain Fanguy is at fault for failure to keep a proper lookout, and was therefore negligent in the operation of his vessel and endangered life, limb and property in violation of 46 USC 526 l.

3. Captain Wells is at fault for failing to give any of the signals required by Article 13 of the Rules of the Road. It was his duty to give a signal of intention before the vessels approached within one-half mile of each other in what was, initially, a head and head meeting situation. When the intentions of ANNE became doubtful to him, it was Wells' duty to blow the danger signal. It is concluded that Wells did not blow any signals despite his contention that he did blow a "two blast danger signal". This conclusion is based on the fact that none of the other passengers on MISS EMPIRE, including those in or about the pilothouse, saw or heard Wells blowing his fog horn before the collision. The testimony of Wells also indicated that he was not familiar with the Rules of the Road.

4. It is concluded that the eleven passengers on board MISS EMPIRE were "passengers for hire" and that Wells was in violation of law as follows:

- (a) He was in violation of 46 USC 390 c in that he was operating a passenger-carrying vessel without a required Certificate of Inspection.
- (b) He was operating a motorboat carrying passengers for hire without having a duly licensed operator in charge as required by 46 USC 526 f.
- (c) He was operating a passenger carrying vessel without having an approved life preserver for every person on board, in violation of 46 CFR 180.25-5.

5. It is concluded that Emile Segue and Albert Simpson died by drowning as a result of this collision. [REDACTED] was last seen on MISS EMPIRE shortly before she sank at a position 2.5 to 3 miles offshore. The area was searched for approximately thirteen hours with no evidence as to his demise being found. It is therefore concluded that as a result of this collision, [REDACTED] is missing and presumed to be dead.

6. It is concluded that the passengers on board ANNE were in effect "passengers for hire". These men were employed by Service Contracting, Inc. who in turn was under contract to perform certain services for Continental Oil Co. In contracting for these services Continental Oil Co. agreed to transport the employees of Service Contracting, Inc. who would actually perform these services on the rig. It is therefore concluded that Continental Oil Co. did receive some consideration from Service Contracting, Inc. for transporting these passengers. This consideration would be in the form of a lower price for the services performed. It is therefore further concluded that Continental Oil Co., as charterer of MV ANNE, was operating this vessel without a Certificate of Inspection in violation of 46 USC 404.

7. It is concluded that the assistance rendered by the U.S. Coast Guard in this case was adequate and timely.

8. It is concluded that no failure of inspected material was involved, nor was any negligence on the part of any Coast Guard or other Government Agency personnel involved and finally that no Government property or Aid to Navigation were involved.

Recommendations:

1. That Mitchell Fanguy, Master of MV ANNE, be cited for a monetary penalty of \$100, in accordance with 46 USC 526 c, for negligent operation of his vessel in violation of 46 USC 526 1.

2. That Frank Wells, Master of MB MISS EMPIRE, be cited for a monetary penalty of \$500, in accordance with 33 USC 158, for failing to blow the passing signal required by Rule I, Article 18, of Inland Rules of the Road, in violation of 33 USC 203.

3. That Frank Wells, Master of MB MISS EMPIRE, be cited for a monetary penalty of \$500, in accordance with 33 USC 158, for failing to blow the danger signal required by Rule III Article 18 of Inland Rules of the Road, in violation of 33 USC 203.

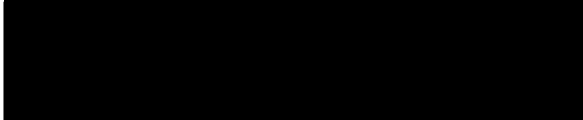
4. That Frank Wells, be cited for a monetary penalty of \$1000, in accordance with 46 USC 390 d, for operating a passenger-carrying vessel before a valid Certificate of Inspection had been issued, in violation of 46 USC 390 c.

5. That Frank Wells, be cited for a monetary penalty of \$1000, in accordance with 46 USC 390 d, for operating a motorboat carrying passengers for hire without a duly licensed operator, in violation of 46 USC 526 f.

6. That Frank Wells, be cited for a monetary penalty of \$1000, in accordance with 46 USC 390 d, for failing to have an approved lifejacket for every person on board while carrying passengers for hire, in violation of 46 CFR 180.25-5.

7. That Continental Oil Co., New Orleans, La., be cited for a monetary penalty of \$1000, in accordance with 46 USC 390 d, for operating a vessel of more than fifteen tons and more than 65 feet in length, without a valid Certificate of Inspection while carrying passengers for hire, in violation of 46 USC 404.

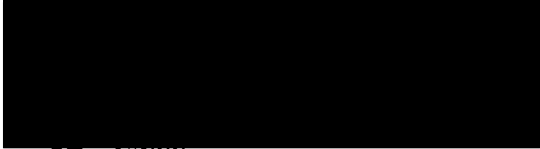
8. That except for the actions recommended in paragraphs 1-7 above, that this case be closed with no further action.



BRET H. BRAILLIER
CAPTAIN, USCG
Chairman



JOHN F. KETTLER
COMMANDER, USCG
Member



LT, USCG
Member and Recorder