

UNITED STATES COAST GUARD

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

17 May, 1950
FILE: GE-5-2/4
(SS SEATRAN TEXAS
MV KNEFORS (Swedish)
c-3)

From: Chief, Merchant Vessel Inspection Division
To: Commandant
Via: Chief, Office of Merchant Marine Safety

Subj: Marine Board of Investigation: Collision American steam freighter SEATRAN TEXAS and Swedish motor vessel KNEFORS below Narrows in New York Harbor on 16 December, 1949.

1. Pursuant to the provisions of Title 46 U.S.C. Part 136, the record of the Marine Board convened to investigate subject casualty, together with its Findings of Fact, Conclusions and Recommendations, has been reviewed and is forwarded herewith.
2. The American steam freighter SEATRAN TEXAS of 8108 gross tons, loaded with freight cars, bound from New York to New Orleans, collided at approximately 1730 on 16 December, 1949, with the Swedish motor freighter KNEFORS, inbound from sea in a position off Fort Wadsworth Light below the Narrows in New York Harbor. The visibility was clear, light northeast wind and flood tide.
3. As a result of this casualty, no persons lost their lives and only one minor injury resulted. The KNEFORS' damage, however, was estimated at \$52,522 and that of the SEATRAN TEXAS at \$77,374.
4. The Board made the following Findings of Fact:
 - "(1) The SS SEATRAN TEXAS and the motor vessel KNEFORS collided on 16 December, 1949 at 1730 below The Narrows in New York Harbor.
 - (2) The SEATRAN TEXAS is a steam vessel of American registry constructed to carry railroad cars, propelled by turbine and single screw, of 8108 gross tons, 465 feet long, official number 52986, and owned and operated by the Seatrain Lines, Inc., of Wilmington, Delaware. The vessel was in command of [redacted] of 14 Tokalon Place, New Orleans, La.
 - (3) The KNEFORS is a motor vessel of Swedish registry, 2745 gross tons, 340 feet long, owned by the [redacted] of Malmo, Sweden, with [redacted] New York City, as the local agents. Her master is [redacted] of Sollentuna, Sweden.

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(4) At the time of the collision the weather conditions were good, with clear visibility and light northerly wind, and flood tide.

(5) The KNEFORS was inbound from sea having arrived at Ambrose Light Vessel at approximately 1730 on 18 December, 1949. Pilot Leon Oldenixon boarded the vessel and proceeded up the channel under full harbor speed, which was estimated to be approximately thirteen knots. After emerging from the upper end of Ambrose Channel, the KNEFORS passed Craven Shoal Buoy close aboard on the port side and the vessel was hauled to the westward, to pass outbound traffic starboard to starboard in order to reach the Quarantine Anchorage without having to round to, head to tide. When in the vicinity of Craven Shoal Buoy, the range lights and side lights of the SEATRAN TEXAS were observed fine on the starboard bow, and the vessel's course was altered slightly to the westward. Subsequently the KNEFORS sounded two blasts of the whistle for a starboard passing of the SEATRAN TEXAS, which was still on the starboard bow, now showing her red light. No answer was heard from the SEATRAN TEXAS to this signal, and the pilot of the KNEFORS sounded another two blast signal. This signal was followed by a danger signal, after which the KNEFORS applied hard left rudder and stopped and reversed her engines. When the vessels were approximately 300 feet apart, the port anchor of the KNEFORS was also let go. Shortly thereafter the vessels collided, the stem of the KNEFORS striking the port side of the SEATRAN TEXAS amidships at approximately a 90-degree angle.

(6) The SEATRAN TEXAS left the Seatrane Terminal at Edgewater, New Jersey, loaded with railroad cars at about 1830, bound for New Orleans, La. Sandy Hook Pilot [redacted] was on board, serving under authority of his Federal license. After the tug had straightened the vessel out in the stream and the docking pilot had left, Captain [redacted] took over the con. The vessel proceeded downstream, keeping to the westward of the channel, and when approaching The Narrows the range lights and side lights of the KNEFORS were sighted slightly on the port bow. At that time the TEXAS was on a course of 175 degrees true, with Craven Shoal Buoy bearing fine on the port bow. A one-blast signal was sounded by the SEATRAN TEXAS for a port to port passing and a slight alteration of course to the right was also made in order to provide ample room to pass clear, as another outbound vessel, the SS SANTA MONICA of the Grace Line, was overhauling the SEATRAN TEXAS on her port quarter. Receiving no answer to the one-blast signal, the pilot of the TEXAS sounded another one-blast signal and subsequent thereto the running lights of the KNEFORS indicated that she was altering course to her left. The pilot of the TEXAS also heard a two-blast signal from the KNEFORS at that time. The SEATRAN TEXAS had sounded an alarm, followed by another one-blast signal, and ordered hard right rudder. The KNEFORS was heard to sound an alarm followed by another two-blast signal and was observed to continue to swing to port. Captain [redacted] sounded another alarm and also another one-blast signal, but did not make any change in the vessel's speed, which was estimated at approximately thirteen knots, or full

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harbor speed. When the vessels were close aboard each other and collision imminent, the rudder of the TEXAS was put hard left, apparently in an effort to lift the vessel's stern clear of the bow of the KEEFORS. This maneuver, however, was not successful, and the vessels collided in the manner previously described. The engines of the SEATRAN TEXAS were stopped immediately after the collision.

(7) Both vessels sustained major damages, but after being free and clear of each other, they were able to proceed to their respective docks without assistance. One man was slightly injured on board the KEEFORS, but after examination and treatment at the Marine Hospital he was returned to his vessel.

(8) Damage to the KEEFORS is estimated at \$83,632.00; that to the TEXAS is set at \$77,374.00.*

5. The Board made the following Conclusions:

"(1) It is evident that the cause of the collision was the lack of understanding and agreement as to passing in an original head and head situation in which both vessels had an equal burden. The pilot of the KEEFORS, Captain Oldsixon, must be considered primarily at fault in hauling his vessel to the westward after emerging from the upper end of Ambrose Channel and in attempting to pass outbound traffic to starboard in order to reach the Quarantine Anchorage. It would have been more prudent and surely a great deal safer under the prevailing traffic and tide conditions to approach the Narrows on his own, or easterly side of the channel and round to, head to the tide, when all traffic was clear.

(2) The pilot of the SEATRAN TEXAS acted properly in sounding a one-blast signal for a port passing immediately after sighting the KEEFORS, as at that time the situation was unquestionably and on or nearly so. Captain [redacted] must, however, be censured for carrying on and insisting on a port passing until the vessels were in the jaws of collision and no effective preventive maneuver was possible. The fact that he repeated his one-blast signal twice and also sounded danger signals is evidence of his apprehension and failure to understand the other vessel's intention. Rather than continuing at full speed up until the vessels came together, Captain [redacted] should have reduced speed and, if necessary, stopped when his passing signals went ignored. The SEATRAN TEXAS was in a good position to check down without jeopardizing her maneuverability, as she was stemming the tide.

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(3) It is evident that both vessels were maneuvered contrary to the rules governing the situation, the pilot of the KEMFORS, Captain Leon Oldmixon, being remiss under Article 18, Rule 1, namely, failing to pass port to port; and Captain McEvoy, the Pilot of the TEXAS, in failing to be governed by Article 27 (the Prudential Rule). Both masters are also considered to some extent at fault. Whereas they have a right to be guided by their pilots while in pilot waters, their general responsibility is never relinquished. It is obvious that they knew, or should have known, that the pilots, by their maneuvers, did not act in the best interest of the vessels and, therefore, should have acted, or suggested action, in accordance with the practice of good seamanship, and in accordance with the Rules of the Road."

6. The Board made the following Recommendations:

"(1) In view of the Conclusions set forth above, it is recommended that Captain Leon Oldmixon, Pilot of the KEMFORS, and Captain [redacted] Master of the vessel be cited for violation of Article 18, Rule 1, of the Inland Rules, and that Captain [redacted], Pilot of the SEATRAN TEXAS, as well as her Master, Captain [redacted], be cited for violation of Article 27 of the Inland Rules. NY KEMFORS is engaged on a regular run between New York and Central American Ports, and returns to New York about every third week.

(2) It is further recommended that a copy of this report and the record of proceedings of the Board, transmitted herewith, be provided to the American Pilots' Association, 425 Washington Building, Washington 25, D. C., for information."

REMARKS

7. Conclusion 2 of the Board in effect states that the pilot and master of the SEATRAN TEXAS are to be censured for failure to reduce speed and if necessary, stop when the KEMFORS ignored port to port passing signals. The SS SANTA MONICA, 8610 gross tons, was overtaking the SEATRAN TEXAS and was some distance off her port quarter. At this point, the SANTA MONICA eastward of the SEATRAN TEXAS blew a one-blast signal to the KEMFORS for a required normal port to port passing under Article 18 of the Inland Rules. The pilot and master of the SEATRAN TEXAS had every reason to believe that the KEMFORS would execute a normal port to port passing with the SANTA MONICA and that there was no risk or even apprehension of risk of collision between the KEMFORS and the SEATRAN TEXAS at this time. The KEMFORS did not respond to the signal of the SANTA MONICA and shortly thereafter, the SEATRAN TEXAS gave a one-blast signal for a port to port passing as required by Article 18 of the Inland Rules. The KEMFORS disregarded this signal and a collision resulted within two to three minutes thereafter. The failure of the KEMFORS to comply with the requirements of Article

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18 of the Inland Rules, her disregard of the signals of the SANTA MONICA and the SEATRAN TEXAS and her insistence on a starboard to starboard passing placed the SEATRAN TEXAS in imminent jeopardy. The pilot and master of the SEATRAN TEXAS were called upon to exercise discretion instantly which is not to be too closely criticized nor is their conduct to be condemned unless very plainly neglectful or unskillful. A review of the evidence in the record does not indicate that the conduct of the pilot or master of the SEATRAN TEXAS was neglectful or unskillful in the situation thrust upon them by the SENFORS and any error on their part was an error in extremes and not a fault. Had the SEATRAN TEXAS reduced speed following the 2 blast signals from the SENFORS, there is a strong probability that the SENFORS would have been cut down by the SEATRAN TEXAS and probably sunk.

8. Conclusion No. 3 states that the pilot of the SEATRAN TEXAS failed to be governed by Article 27 of the Inland Rules and Recommendation No. 1 states that the pilot and the master of the SEATRAN TEXAS should be cited for violation of said Article 27. Article 27 of the Inland Rules is known as the Prudential Rule. This Rule in effect authorizes a departure from the specific requirements of the Inland Rules when, due to any special circumstances, departure is necessary in order to avoid immediate danger. Since this Rule authorizes a departure or a relaxation from the positive requirements of the Inland Rules, it follows that failure to take timely avoiding action, as therein authorized or permitted, should not be cited as grounds for assessment of a civil monetary penalty which may be imposed under Section 168 of Title 33.

9. Recommendation 1 of the Board states that the pilot and master of the SENFORS be cited for violation of Article 18 Rule 1 of the Inland Rules. The pilot of the SENFORS was in charge of the navigation of that vessel at the time the violation of Article 18 Rule 1 of the Inland Rules occurred. Accordingly, the civil penalty for violation may only be assessed against the pilot of the vessel as between the pilot and master. As provided in 33 U. S. C. 159, the SENFORS should also be assessed the civil penalty for violation of Article 18 Rule 1 of the Inland Rules in lieu of the master.

10. In view of the agreement between the U. S. Coast Guard and the American Pilots' Association to refer all acts of incompetency, unskillfulness, negligence and misconduct committed by pilots acting under the authority of their States pilots' licenses, for disciplinary action with respect to such licenses to the American Pilots' Association, the assessment of the statutory civil monetary penalty recommended above against Leon Oldmixon, pilot of the SENFORS at the time the collision occurred, will be held in abeyance pending the action of the appropriate state authorities.

11. Subject to the foregoing remarks, it is recommended that the Findings of Fact, Conclusions and Recommendations of the Marine Board of Investigation be approved.

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From: Chief, Office of Merchant Marine Safety
To: Commandant

Forwarded, recommending approval.

APPROVED: 28 June, 1950


Vice Admiral, U. S. Coast Guard
Commandant